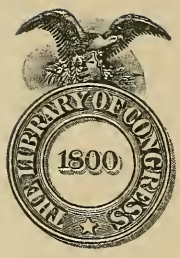
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THE "PROPPER CHAPPELL" OF DERITEND. BUILT IN 1375.

MEMORIALS OF OLD BIRMINGHAM.

Men and Names;

FOUNDERS, FREEHOLDERS, AND INDWELLERS,

FROM THE THIRTEENTH TO THE SIXTEENTH CENTURY.

WITH PARTICULARS AS TO

The Earliest Church of the Reformation

Built and Endowed in England.

FROM ORIGINAL AND UNPUBLISHED DOCUMENTS.

BY

J. TOULMIN SMITH,

OF LINCOLN'S INN, ESQUIRE, BARRISTER-AT-LAW,

FELLOW OF THE ROYAL SOCIETY OF NORTHERN ANTIQUARIES (COPENHAGEN).

"Let them be well used; for they are the abstract and brief chronicles of the time."
Hamlet.

With Illustrations and Facsimiles.

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PREFACE.

Two of the best books in the English language, on subjects of general interest, grew up out of notes upon obscure villages. SELBORNE, whence arose WHITE'S charming "*Natural History of Selborne*," lies in a corner of Hampshire: AMBROSDEN, whence arose KENNETT'S learned "*Parochial Antiquities*," lies in Oxfordshire. The reason why these are good books, is plain. Each of the authors, instead of dealing in speculative generalities, took note of what was before him, and followed up his observations on these actual things of real life as far as he was able. There is a vagueness about the consideration of general principles: but when general principles are found applied to instances in life and action, they remain no longer vague: they become understood, as an actual part of the world's living existence, or of a nation's growth, strength, and well-being.

It is from this point of view that the following pages have been written. Birmingham is not a little village, but a large town. It has grown to be a large town during the course of many centuries, and through the influence of that tone of mind which springs from the character of old English Institutions. What is here put together, arising out of what has been done in Birmingham, illustrates equally the action of

old English Institutions throughout all England. Though its immediate subject is local, therefore, its interest and application are general. The facts here collected touching transactions in Wyclif's time, add to the general interest of the subject.

The same is true of the illustrations given of the growth of English Surnames. Real men and women are here grouped, instead of speculative theories on the origin of names.

Let it not be supposed that this work pretends to be a History of Birmingham, even for the times it touches on. In "Traditions of The Old Crown House" and in this work, I have illustrated some important events in the early history of the Town, not before examined. But a "History of Birmingham" remains to be written. I have been requested to undertake that task; and, if Health and Time permit, I shall, in all likelihood, essay it. Renewing now my acknowledgments for the assistance cordially given me by all (save one) with whom I have had occasion to communicate while preparing this work, I hope that, should I proceed with the "History of Birmingham," I may invoke the help, for that work, which so many representatives of old families in the town are able to give.

The Facsimiles at the end of this work are done in *photo-lithography*, and have been executed by Messrs. Day and Son.

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MEN AND NAMES

OF

OLD BIRMINGHAM.

THE ancestry of a PLACE is a very different thing from the ancestry of a PERSON. To parade the latter before the world in long pedigrees and particulars, is but vanity: to unravel the former, or make it better understood, is a work of general usefulness. The number of truly great men that have lived in the world, is not very large; but the growth and greatness of nations are marked in, and become best understood by tracing, the growth of the separate groups of men who have lived and flourished there from time to time.

The quaintly-gabled houses and narrow streets that cluster round the Cathedral of an old but now unenterprising City, have a story of their own to tell; and the rambling rows of dwellings that, near the crumbling walls of what was once a Strong-hold, formed, not long ago, the "burgage tenures" of a decaying Borough, have also their own story to tell. Each story will be interesting and instructive, though the one will be very different from the other. But there are towns that have neither Cathedral nor Strong-hold, and have never had

either of these, but which yet have a story to tell that is not less interesting and not less instructive than either of the others. There are towns whose beginnings are hoary with age; which have not been lifted, by factitious accident, into a sudden greatness that has remained stationary, or has decayed away; but which have gone on, from solid beginnings, steadily growing and prospering, and are now among the best-known centres of intelligence, industry, and independence, in the country; and therefore are the best safeguards to the State.

Such a town is Birmingham. The history of its great antiquity, and of the people who founded it, is told in its very name.* It may not have sent forth any man of such individual greatness that his name dazzles the inquirer, and is

* "'Hám' is the most sacred, the most intimately felt, of all the words by which the dwellings of men are distinguished. It is of such antiquity as to have become anomalous in some of its grammatical relations; and it is the word peculiarly devoted in the heathen mythology of the North to denote the earth inhabited by men." (*'Codex diplomaticus Ævi Saxonici,'* tom. iii., Preface, p. xxviii.) "This word [hám], as well as the feeling of which it is the symbol, was brought across the ocean by the [North] Teutonic colonists, and it is the most precious of all the gifts for which we thank them." (Taylor's 'Words and Places,' p. 131.) "The people who believe in Heroes, originally gods and always god-born, preserve a remembrance of their ancient deities in the gentile names by which themselves are distinguished, long after the rites they once paid to their divinities have fallen into disuse; and it is this record of beings once hallowed, and a cult once offered, which they have bequeathed to us in many of the now unintelligible names of the MARKS:"—"great family unions, comprising households of various degrees of wealth, rank, and authority: some, in direct descent from the common ancestors, or from the hero of the particular tribe; others, more distantly connected, through the natural result of increasing population, which multiplies indeed the members of the family, but removes them at every step further from the original stock; some, admitted into communion by marriage, others by adoption, others even by emancipation: but all recognizing a brotherhood, a kinsmanship or *sibsceaft;* all standing together as one unit in respect of other similar communities; all governed by the same judges, and led by the same captains; all sharing in the same religious rites; and all known to themselves and to their neighbours by one general name." "The following patronymical names I believe to be those of ancient Marks, . . . [*among others*] Beormingas:— Birmingham, *Warw.*" (Kemble's '*Saxons in England,*' Vol. I. pp. 56, 61, 449, 457.)

likely to divert him from looking at the story of the place into wandering among the pedigrees of a person. But the *Place* has a pedigree which it concerns all who are now part of it to know. Whatever Birmingham man pretends to despise this pedigree, is little likely to do any honour to the town.

The science of to-day is founded on the science of yesterday, and that of yesterday rests on earlier steps, each trodden in its day. And the science of to-day cannot be truly understood except by tracing those earlier steps. Only the charlatan pretends to a sudden revelation of new science. And it is the same with human society, in the complex forms of it that come before the eye in such an abode of activity as Birmingham. Peoples and towns have grown to what they *are* from what they *have been:* they owe to the temper and spirit and energy, or the lack of these, moving the indwellers who have gone before them, the opportunity, or the lack of opportunity, that there now is, to show the temper and spirit and energy that live within themselves. There has been a past; there has been a growth; there is yet more growth, or else decay, to come. What manner of men they were who lived in that past, what their habits were, and what were the institutions that they grew up among and took their part in, it concerns all to know who would hope that the "to come" shall be one of "growth" and not one of "decay." He who would speak shame-facedly of his own town, or would seek to disavow what he and his fathers have owed to it, as a *Place having a Pedigree*, shows the absence of that moral sense and that tone of mind from which alone PATRIOTISM springs.

The use of antiquarian studies is, to make the past live again before the eye, and thus to re-animate the links of human life. The mere collecting of scraps and cataloguing of curiosities, without such an aim, is but time wasted in

the heaping up of dust and rubbish. What I now propose is, to put together a few links in the chain of the Pedigree of Birmingham. I take links that have a natural connection with one another, and which throw light upon what, while it is of general interest to all the town, will be found to have also a special personal interest to many.

Men whose names we know not, can have but a hazy existence in the most vivid imagination. There were brave men before Agamemnon; but we know Agamemnon, while the others have, for us, no existence. I propose to re-people the Birmingham of the olden time; and to make some of the men and women who lived in it known to the men and women of to-day, very many of whom are the lineal offspring of those old worthies whom I shall now recall. For I am not about to fill Birmingham with imaginary people. The men and the names that I shall bring up were, every one of them, once alive in and a part of Birmingham. They are, all of them, among those recorded either in the ancient documents that have come to me from my own forefathers, Birmingham men, or in what I have myself found while searching among the national Records of England.

There is an intimate connection between Men and their Names, in reference to the Places where the same Names are, through generation after generation, often found; while the circumstances under which the Names have come to be recorded, and the changes which those Names have often undergone, bring before us a picture of the manners and institutions that prevailed in the days when, from time to time, those Men lived and bore those Names.

The means of knowing the men and the names that flourished in past times, are to be found much more fully in England than in any other country; and the reason why this is so, is itself very significant. It arises out of the essential characteristics of true English Institutions.

The universal spirit and the living breath of all the Institutions known and cherished from the earliest times by the Common Law of England, before empirical Acts of Parliament became the ever-changing fashion, were the principles, that every man is an item in the State; finds his place in it as a member of the community wherein he dwells; and has positive duties to fulfil towards it, in that community, as his contribution to that common good of which, as an item in the State, he enjoys the benefits. The practical basis on which those active Institutions rested was, that the men of a neighbourhood must know their own business better than any one else can know it; and that they will themselves more honestly try to do, and will assuredly in the end more successfully do, their own business, than any one else can do it. But the condition, rightly and rigorously enforced so long as constitutional principles were duly respected, was, that the business *must be done:* it must not be shirked. Selfishness and slothfulness had no prerogatives allowed them, and no worshipful place was found for them, under such Institutions. The display of these characteristics had to wait for the modern costly devices of governing by centralized Bureaus, Commissioners, and Inspectors, before it could get even covered with a conventional varnish of "respectability." While those Institutions were active, every man lived with the habit, as a regular and essential part of his life, of taking his share in the business of his neighbourhood. He grew up with a daily growing knowledge of his duties and responsibilities; and passed through life in the practice of these as a part of his business which he neither sought to shirk, nor would it have been "respectable" for him to shirk. It was not necessary, then, for any Jacob to write "Letters to respectable men;"* for true respectability

* "Punch" is a periodical that has been able to last through many years in London, because it struck the vein, not of low joking, but of genuine humour. Several imitations of "Punch" have been started, but none of them have ap-

—*law-worthiness*, to use the good old word—can only consist in the fulfilment, by every man, of his duties to his neighbour, his neighbourhood, and his country. The education of men was thus true and constant, and not merely superficial and delusive. They learned what they themselves would have to do, as real items in the State and responsible members of their own neighbourhood, from the habitual practice which was seen before their eyes throughout their childhood and youth and till their own time came.

Happily, it was an incident to this thoroughly practical system of true education, life, and citizenship, that not only was the business of each neighbourhood done, and well done, but that, in every place where it was done, what was done was carefully recorded. In many cases, the names of those who were the doers were also always recorded. The enormous mass of these Records that have been kept safely down to our own day, cannot be conceived of by those who have paid no attention to the subject. It was truly said, more than two hundred years ago, that these Records are "the richest Pearls, Treasures, and Jewels of the Nation."

These Records reach from long before the time of Domesday Book; Domesday Book is one, and a highly interesting one, among them; but their variety is very great, and their

proached their original. The "Town Crier" of Birmingham is not an imitation of "Punch;" and it has thoroughly deserved the success which it has achieved. It often displays a true humour and an ability surpassing even those of "Punch" in its best days. I have no knowledge whatever who may be the writer of a series of Papers that have appeared in the "Town Crier," under the title of "Jacob's Letters to '*respectable men*';" but those papers are equally excellent in purpose and in tone. Under the growing and most grave evil in England, of indifference to the duties that every man owes to his neighbourhood, and so to the State, these letters can hardly fail to arrest the attention of those Birmingham men and fathers whose indifference is the result, rather of that spread and increase of unconscious ignorance which have followed upon the mischievous course of much modern legislation, than of the criminal omission, quite equal in guilt to criminal commission, which is the quality and only true description of any man's conscious and deliberate indifference to public duties.

special subjects are innumerable. A few have been printed; an incomparably greater mass remains in manuscript. A very large and invaluable quantity of them is collected in the Public Record Office; but great quantities still remain in other Public and also in many Private collections. The Rolls of Shires, of Hundreds, of Cities and Boroughs, of Courts of Law, of Manor Courts, of Parishes, of Taxation, of Inquiries made on special occasions:—all these, and many others that it would be tedious to enumerate, tell us the men and the names that have lived in England, and have kept the inheritance safe for us, through many centuries. In addition to these, a very rich mass of Records, giving the like information in other ways, lies hidden in the older class of Deeds or "Charters;" which, being done in the sight of the open and regular assembly of those who had come together to fulfil their duties to their neighbourhood, have always several names recorded at the foot of the Deed or Charter itself, or of the indorsed record of the actual delivery of the property, as witnesses to the transaction. This class of Records remains chiefly in private hands.

In order that the Men of whom I am about to speak may not be hidden, instead of being identified, by the Names recorded, it is necessary to say a few words as to how English surnames have arisen, and how they may be traced.

The fore-name, christened, or "christian" name, is the "proper" name of a man or woman. *Surnames* are of much later introduction; and, being liable to be changed at will, are of inferior authenticity. "It is requisite that special heed be taken to the name of baptism; for that a man cannot have two names of baptism, as he may have divers surnames. . . . A man may have divers names [*i. e.* surnames] at divers times, but not divers Christian names."*

* Coke upon Littleton, 3 (*a*). See also Lord Coke's Fourth Institute, p. 5. A very ridiculous attempt was made in 1862, by a certain Lord Lieutenant of a

Surnames, adopted at first merely for the sake of further distinguishing individual men, only become *Family names* when they have been used as "names of continuance" in the same family through more than one generation.

Surnames became originally added on to men's "proper" names,—

(1) From the place whence they came, or where they lived: and of this class there are two distinct kinds; the one (*a*) being the names of towns or other territorial known places; the other (*b*) being names taken from the particular spot or thing in or near to which the person dwelt,—as a homestead, a wood, a river, a well, a church, a moor, a green, a tree, etc. etc.

(2) From an office held, or trade or occupation engaged in.

(3) From the name of the father, either whole or shortened, and with some addition or change marking the surname as a patronymic. This sort of surname is much more numerous than might, at first sight, be suspected.*

County, to prevent a gentleman from using his right to change his surname. Of course the attempt failed. The subject was treated of by me, with many illustrations, in the '*Parliamentary Remembrancer*,' vol. vi. pp. 48–50.

* So many names, not commonly suspected to have such an origin, spring from this source, that it will be instructive to quote the following from Verstegan's "Restitution of decayed intelligence" (1634, p. 307), though the list thus given is by no means complete.

"Of the proper name of *Alexander*, commeth the sirnames of *Saunders*, and *Saunderson*.

Of *Andrew*, commeth *Androws*, and *Anderson*.

Of *Bartholomew*, commeth *Bat*, *Bats*, and *Batson*.

Of *Christopher*, commeth *Kit*, *Kits*, and *Kitson*.

Of *David*, commeth *Davis*, *Davison*, *Dawes*, and *Dawson*.

Of *Edmund*, commeth *Edmuns*, and *Edmunson*.

Of *Gilbert*, commeth *Gibson* and *Gibbons*.

Of *Henry*, commeth *Harris*, *Harison*, and as it seemeth *Hawkins*.

Of *John*, commeth *Johnson*, *Jackson*, and *Jenkinson*.

Of *Laurence*, commeth *Larkin*, and *Lauson*.

Of *Nicholas*, commeth *Nicols*, *Nicolson*, and *Nicson*.

Of *Peter*, commeth *Piers*, *Pierson*, *Peterson*, *Perkins*, and *Perkinson*.

Of *Richard*, commeth *Richardson*, *Dicks*, *Dicson*, *Dickins*, and *Dickinson*.

(4) From some personal characteristic, either of body, mind, or habits.

(5) From a mere whimsical nickname, the humour of which made it become attached to the man and his family.

Instances of all these sorts of surnames will be found among the men and names with which I shall re-people old Birmingham.

In describing men in formal writings, now, it is usual to put after the name what is called the "addition";—that is, a statement of the place of dwelling, together with profession, trade, or position in life. It will have been seen that surnames themselves were originally, in most cases, nothing else than such "additions;" and we shall be able to follow many surnames from the time when they thus began, down to the time when, the surnames having become fixed in families, a new "addition," in the modern sense, began to be used.

Some people imagine that the insertion of the little particle "de" in a name is rather a fine thing, and sounds aristocratic. There cannot be a greater mistake. In point of fact, such an insertion, if it had now any meaning, would show that the family is of such mushroom origin that it has not yet even acquired any true surname. The "de" is merely the Latin for "of," and was, naturally enough, often used in old Latin documents, instead of the English word, in order to translate the descriptive addition which had not yet become a true surname. In many cases, however, the English par-

Of *Robert*, commeth *Roberts*, *Robins*, *Robinson*, *Hobkins*, otherwise written *Hopkins*, and *Hobson*.

Of *Roger*, commeth *Hodges*, *Hodgeson*, *Hodgeskins*, and *Hodgekinson*.

Of *Simon*, commeth *Simmes*, *Simpson*, *Simkins*, and *Simcocks*.

Of *Thomas*, commeth *Tomson*, *Tomkins*, and *Tomkinson*.

Of *William*, commeth *Williams*, *Williamson*, *Wilson*, *Wilkes*, *Wilkins*, *Wilkinson*, *Wilcocks*, and *Bilson*.

Of *Walter*, commeth *Wats*, *Watson*, *Watkins*, and *Watkinson*, and like it is that hereof also commeth *Atkins* and *Atkinson*."

ticle had become in such common use that a translation of it into Latin was not thought of; and sometimes we find that a man of marked character would not allow his good English name to be thus distorted into Latin.

Intelligent readers would be rather astonished to find the mere translated form "de" substituted for "of" by modern writers mentioning such names as Florence of Worcester, William of Malmesbury, Gervase of Tilbury, Geoffry of Monmouth. And the boldest amender of the text of Shakspeare would pause before putting "de," in place of the English word, in the mouth of Sir William Lucy when he asks—

> "Where is the great Alcides of the field,
> Valiant Lord Talbot, Earl of Shrewsbury?
> Created, for his rare success of arms,
> Great Earl of Washford, Waterford, and Valence,
> Lord Talbot of Goodrig and Urchinfield,
> Lord Strange of Blackmere, Lord Verdun of Alton,
> Lord Cromwell of Wingfield, Lord Furnival of Sheffield,
> The thrice victorious Lord of Falconbridge?"*

The truth is, that the modern use of "de," in any English surname, is a piece of very ridiculous and unmeaning affectation, and betokens only ignorance. No name can have become a true *family* surname till the mere *descriptive particle*, whether English or translated into Latin, has been dropped. The particle marks it as a *personal* surname.

It is necessary to bear in mind the changes of shape, as well as those of spelling, that names have often undergone, while passing from a mere means of descriptive distinguishment into family surnames. These changes have been very capricious, and have been going on through all times, even up till our own day.

For example, there have been two families well known in Birmingham and its neighbourhood in modern times, the one called "Holte," the other "Attwood." Both names

* Henry VI., Part I., Act 4, Scene 7.

sprang from local residence; the former being descriptive of a man who lived near a small wood (and we have also the equivalent names "Littlewood" and "Smallwood"), and who was therefore called "atte holte;" the latter being descriptive of a man who lived near a larger wood, and who was therefore called "atte wood." In the one case, the particle was by-and-by dropped, and the family surname became "Holte;" in the other case, the particle was run into one with the latter word of the description, and the family surname became "Attwood."

There was, not long ago, a name of old standing in Birmingham, as "Rustin" or "Ruston."* In the fourteenth year of King Henry the Sixth (A.D. 1436), an appeal of murder was brought, at Coventry, by Thomas Smyth, as brother and heir of Richard Smyth, against Richard Ruston and another man. Ruston tried to get off, by pleading that his name was *Ruxton*, and not *Ruston;* to which Thomas Smyth replied, that he was as well known by the name of *Ruston* as by that of *Ruxton*.

No name ought to be better known or more respected in England than that of the great Lawyer and Patriot, Sir Edward Coke, as the name is always now spelled (and who is generally called "Lord Coke"). Yet his name was commonly spelled by his contemporaries "Cook," and it appears so spelled in Rushworth.† On the other hand, the old War-

* See "Traditions of The Old Crown House," p. 26.

† See, for example, the very memorable debate on the Petition of Right, recorded in Rushworth, I. p. 568; in which the brave old man Coke, who had himself been Speaker of the House of Commons, Lord Chief Justice of England, and Lord of the Treasury, besides being incomparably the greatest Lawyer that England ever produced, gave utterance, in words of dignity and firmness never surpassed, and it may be safely said never equalled, within the walls of Parliament, to the noble declaration that,—"SOVEREIGN POWER is no Parliamentary word. In my opinion it weakens *Magna Charta* and all our Statutes: for they are absolute, without any saving of Sovereign Power; and, shall we now add it, we shall weaken the foundation of Law, and then the building must needs fall. Take we heed what we yield unto. *Magna Charta* is such a fellow that he will have no

wickshire name of "Broke," though still lingering in that shape in one or two rare instances, has settled down into "Brooke."*

But much greater changes than these have taken place, both in the whole shape of some surnames, and in the spelling of what is meant to stand for the same name. This cannot be better illustrated than by quoting the words of old Fuller:†—

"It is necessary to observe, that Sirnames of families have been frequently altered, some families deposing their *old*, and assuming *new* names, on several occasions; But chiefly for,

"1. Concealment in time of Civil Wars. A name is a kind of face whereby one is known; wherefore taking a false name is a *Vizard* whereby men disguise themselves; and that lawfully enough, when not fraudulently done to deceive others, but discreetly in danger, to secure themselves. Thus, during the contest 'twixt *York* and *Lancaster*, *Carington* of Warwickshire took the name of *Smith*; *La Blunt* the name of *Croke* in Buckinghamshire; with many others.

"2. For *advancement* when adopted into an estate; as *Newport* the name of *Hatton* in Northamptonshire; *Throckmorton* the name of *Carew* at Beddington in Surrey; as, long before, *Westcoat* the name of *Littleton* in Staffordshire.

"Besides, the same sirname, continued, hath been variously altered in writing. *First*, because time teacheth new orthography, altering *spelling* as well as *speaking*. *Secondly*, the best *Gentlemen* anciently were not the best *Scholars*, and (minding matters of more moment) were somewhat too incurious in their names. Besides, writers ingrossing Deeds, were not over-critical in spelling of names, knowing well, where the person appeared the same, the simplicity of that age would not fall out about *misnomer*.

"*Lastly*, ancient families have been often removed into several Counties, where several writings follow the several pronunciations. . . .

Sovereign. If we grant this, by implication we give a Sovereign Power above all these Laws. We must not admit of it; and to qualify it is impossible. Let us hold our privileges *according to the Law*." This was spoken in the House of Commons on 17th May, 1628. See, further on, the *Note* † to p. 29.

* See "Traditions of The Old Crown House," p. 43.

† "Worthies," p. 51 (ed. 1662).

"Hence it is that the same name hath been so often disguised, unto the staggering of many, who have mistook them for different. . . . The name of Roper in Darbyshire, changed from *Musard* to *Rubraspatha, Rospear, Rouspee, Rooper, Roper*. . . . However such diversity appeareth in the eye of others, I dare profess that I am delighted with the prospect thereof."

Other changes in names took place through the habit, so common some centuries ago, of writing with contracted marks in place of syllables. The places of the letters, too, have often got transposed; just as has been done in such familiar instances of words in common use as "bird," instead of "brid;" "ask," instead of "acs."

The first men and names that will naturally be glanced at in connection with Birmingham, are those of the family that was, for many centuries, identified with the place, as resident manorial Lords of the Borough of Birmingham and Deritend. And the history of the surname of this family, itself supplies us with several interesting lessons as to the identification of surnames, and gives strong caution against coming too hastily to conclusions, even from actual and undoubted Records.

It would, at first sight, be naturally concluded that a name recorded with prominence as "William" or "Walter" *de Birmingham*, in an old Latin record, certainly treats of a member of this family. But the conclusion would be overhasty. In the "Patent Roll" of 6 Edward II. (A.D. 1313), there is a statement of facts as to an outrage done "at [apud] Birmingham," against "Walter of [de] Birmingham." No County is named, and it would seem beyond doubt that the place meant is Birmingham in Warwickshire. Should it happen, however, to the industrious inquirer to turn over the "Fine Roll" of two years earlier, he will, if he is careful enough, alight upon the record of a grant to "Walter

of Birmingham" of the Hundreds of North and South Erpyngham in the County of Norfolk. And if, his attention thus roused, he painfully prosecutes his search, he will find, in certain other Rolls, called "Coram rege Rolls," a complete record of the outrage above named, and will learn that it was committed at "*Little Birmingham*" ["apud parvam Birmingham, ad manerium domini Walteri de Birmingham"], in the County of *Norfolk*.

On the other hand, the name "de Birmingham" may be found given to a man in the old Latin Records, and the place meant may be Birmingham in Warwickshire, and yet the person have been no sort of relation to the family of the manorial Lords. Thus, I have found a record of a pardon granted, on the 10th March, 1327, to "Roger the barber of Birmingham" [*Rogero le barber de Birmyngham*], as one among other pardons granted after the political disturbances of that time.

Again, no one would dream that the name "Peter Dapifer" disguises a distinguished member of the family of the Birmingham manorial Lords. Yet such is the case. In Edward I.'s time, William of Birmingham, then manorial Lord, in a very important question then raised as to his rights within the Manor, himself described an ancestor of his by this name of "Peter Dapifer;" the surname thus given being merely descriptive of an office held by Peter of Birmingham, who flourished in the twelfth century.

The same family illustrates the early use, and the gradual dropping, of the merely descriptive particle "of" ("de" in the Latin Records), and the adoption of the place of abode as a true "surname of continuance." To test the estimation in which the family that made Birmingham its chief seat was held, I have searched the "Patent Rolls" for the earliest Commissions that were ever made out in England, after the time when two fresh "Conservators of the Peace" had been

added, by Act of Parliament, to the ancient Officers who fulfilled the duties of Conservators of the Peace. I find that the first Commission thus issued was dated 8th March, 1327; and in that Commission the only two Conservators named for the County of Warwick are "William of Birmingham" and "John Murdak." This very plainly shows the position then held by this family in the County. A few years later, when a fresh Act of Parliament had increased the number of these Conservators (then first called "Justices of Peace") to five, at the outside, of the "most worthy," I find, again, that, in the first Commission issued under the new Act, and dated 20th March, 1361, among the five names for Warwickshire, one is "Fulco of Birmingham." Twenty-one years later I find, in a Commission appointing the Justices of Peace for the County of Warwick, dated 20th December, 1382, the two names "Thomas Birmingham" and "John Birmingham." So that, while the position of the family was thus plainly maintained in the County, the descriptive particle "of" ("de" in the Latin) was now at length dropped, and "Birmingham" became, henceforth, the true family surname.

By what strange chance it befell that the surname of some branches of the "Birmingham" family became distorted, through a process like what is described by Fuller, into "Brindejone," I have elsewhere shown.*

In 1285, three persons gave lands for the endowment of the Hospital of St. Thomas [the Apostle] in Birmingham. These were, THOMAS OF MAIDENHACCHE, who gave ten acres of brushwood in Aston; WILLIAM OF BIRMINGHAM, who also gave ten acres of brushwood in Aston; and RANULPH OF RUGBY, who gave three acres of land in Saltley. These facts are learned from a document that is found on the Patent Roll of the 14th year of Edward the First. It will be seen that the surnames of all these three men are merely descrip-

* See "Traditions of The Old Crown House," pp. 53, 54.

tive; the first of them being taken from a homestead; the last two being taken from the well-known Warwickshire towns.

The record thus remaining on this Patent Roll, is the last of a set of three documents that once existed, of which the two earlier ones have been lost. Nor is the loss surprising, for they were both written on small pieces of parchment, of which the biggest was not larger than one of these pages. There was a third one, also separate, which had the great seal of England attached to it; and it is of this third one that the document above quoted from the Patent Roll is a *copy*, preserved there as a permanent record of a matter that concerned the State.

In many cases, the first two in similar sets of triple records remain still in existence. Instances of this will presently be given. And in order that these, as well as the document which will be next quoted, may be understood, it will be well to explain, at once, the origin and meaning of such triple records. They give striking illustrations of the strength and working of those Institutions of England the character of which has already been stated.

The Common Law of England attached certain *conditions* as inseparable from the holding of Land. Such a thing as *irresponsible ownership* is absolutely unknown to the Common Law of England. Not only this:—it is entirely repugnant to the whole spirit of that Law. Those who sometimes talk of the "burdens on land" show, by the use of such a phrase, a strange want of knowledge of the history of English Institutions and of English Law. Those Institutions and that Law, before modern empirical legislation began, never recognized a "right" or a "property" without the accompaniment of a corresponding *responsibility* and *obligation*. To all landed property was inseparably attached what was called, from the importance to the whole State of the matters included within it, the *trinoda necessitas*, a triple obligation

without which our fathers were unable to conceive of the rightness of any pretence to the possession of land. This triple obligation was, Military Service, works for the Defence of the realm, and the maintenance of Highways and Bridges. But, besides these, which concern the State as a whole, other obligations and services were attached to the possession of land, which were of first-rate importance towards the working of the Institutions of the country. Among these were, the obligation to attend the Courts or assemblies where the business of the neighbourhood was done, and to take part in the business done there; to serve on juries; to make the payments that became due at certain times and in certain events; and other things, some of which will be afterwards named.

The land itself was the security that all these obligations and services should be faithfully discharged. Fines, and sometimes even forfeiture, followed in case of nonfulfilment. The original possessor of a large estate often granted part of it to another man, able to discharge a proportionable share of the obligations and services; and the latter sometimes again granted part of his thus acquired estate to a third man, with a proportionable share, again, of the obligations and services. So far as the State was concerned, the fulfilment of the obligations and services was looked for at the hands of the original possessor, or his representative, who was deemed to hold from the Crown (as representing the State). The others held from those, or their representatives, who made grants to them, in as many several steps as there had been several grants of *parts* of the original estate; each grantor, or his representative, being called, in the old Latin records, a "medius," or link in the chain of responsibility.*

* As my object, here, is simply to make the origin of *mortmain* understood, I put the above statement in the simplest way, without complicating it with either the 32nd Chapter of the Magna Charta of Henry III., the Statute of *Quia Emptores* (18 Edward I.), or any other. None of these affect the practical principle here touched on, or the consequences that followed from its application.

It will be seen at a glance, that this very simple but complete system for ensuring the fulfilment of men's obligations and maintaining the institutions of the land in action, would be broken in upon if any man were let grant away his land, or part of it, to a person or body which, from the nature of its existence, could not discharge all or some of the above-named inseparable obligations and services;—unless, indeed, it could be clearly shown, that land enough remained to the grantor to guarantee the full discharge of the original obligations and services by himself. Now Corporate Bodies,* whether lay or clerical, and all priests in their corporate capacity as holders of particular cure of souls, are, from the nature of their existence, unable to fulfil some of these obligations and services. Consequently, the Common Law always held that grants made to either of these were absolutely void; because they were attempts to grant away land, which can only be held on the *condition* that well-known obligations and services shall be discharged by the *living hand* of a man, to a corporate Body or person which, being unable to discharge these obligations, was, in so far as they were concerned, no better than a mere *dead hand* (*mort main*).

In some times of national strife, the Law had become evaded, and grants had been secretly made "in *mort-main*," that is, to some of these "dead hands." Early therefore in the reign of Edward the First (A.D. 1279), the Law was formally and emphatically set forth again, in a declaratory Statute.† After reciting that such grants had been wrongfully made, "without *Licence* of the Chief Lord of whom such FEES [*i. e.* lands held with the attached *conditions*] be holden immediately," and that "*thereby the Services that are*

* Corporations may consist of one person or of many. In the former case, such as the Crown, the Rector of a Parish, etc., it is called a "Corporation Sole;" in the latter, it is more commonly distinguished as a "Corporate Body."

† I have fully shown the meaning and importance of "declaratory statutes" in my work on "Local Self Government," pp. 155, 254, 256.

due of such fees, and which from the beginning were provided for the defence of the Realm, are wrongfully withdrawn," this statute declares that, " if any person, *religious or other*," holds such aliened lands [that is, lands thus granted away], the immediate lord, whoever he be, may " enter into the land so aliened, within a year from the time of the alienation, and hold it in fee as an inheritance;" that, if this immediate lord does not thus enter into and take possession of the land, the next immediate lord may enter into and take possession of it, within half a year after the year's close; and that the right of thus entering and taking possession shall pass on and belong to each " medius," one after the other, until, if no " medius " enters, the Crown may enter and take possession; not to keep the land in the King's hands, however; for it is declared that he " shall infeoff others therein [*i. e.* dispose of the land as fees again], on the condition of certain services to be done for us for the defence of our kingdom." Thus the original purpose of making these " fees," as held " from the beginning," would be restored and still kept alive.

It has been said that, if it could be shown that enough land remained to the grantor to insure the discharge of his obligations, the grant in *mort-main* would not be against Law. But it was clearly necessary to guard this avenue to *mort-main* very carefully. The only way in which legal proof could be given that such a state of things truly existed, was by the production of a formal express *Licence* from the chief lord of the " fee," who was the one most directly interested, personally or in his representative capacity, in the due discharge of those obligations. The Crown, as representing the State, having, it has been seen, the ultimate power of entry upon lands so granted, no thorough security could be had unless such a License had been obtained from the Crown. And all Licenses so obtained were recorded on the Patent Rolls, being matters that concerned the whole State. These Licenses

almost invariably begin, as might be expected, by referring to the general Law forbidding mortmain. The document of 1285, which has led to these remarks, is such a "Licence in Mortmain."*

Such a Licence in Mortmain could not, however, be granted at pleasure, or upon caprice. Fixed and regular preliminary steps had to be taken; and what these were, deserves the most careful attention from all who value free institutions, or wish to understand them.

The first of these preliminary steps was, the issue of a Writ to the Escheator† of the County wherein the land lay, requiring him to summon a jury of twelve good and law-worth‡ men of the neighbourhood, to inquire whether it will be to any one's injury, and, if so, to whose injury, and how, if the proposed grant be made.

This is the Writ called the Writ "*ad quod damnum;*" and whosoever thoroughly understands the nature of this writ, its meaning, working, and effect, will understand the full spirit of the English Constitution, and will know more of what the active motion of that spirit is than he will learn from any number of formal treatises thereon.

Besides the simple inquiry shortly stated above, this jury had to inquire in detail, and to record under their seals, what

* The first words of this License contain the clause referring to the general law, as above named. It may be interesting to quote the words, which are as follows:—"Licet de communi consilio regni nostri providerimus quod non liceat viris religiosis seu aliis ingredi feodum alicujus ita quod ad mortuam manum deveniat sine licencia nostra et capitalis domini de quo res illa immediate tenetur."

† The Escheator was a County Officer, appointed chiefly for the purpose of doing what was necessary towards making Inquiries as to the descent and holding of land.

‡ "Legales." This is commonly translated "lawful," which is nonsense. The real meaning of the word is, the opposite of "outlaw;" that is, men in the full enjoyment of all the rights of freemen which are guaranteed by law. It is a most expressive word, thus truly translated. The phrase itself is found, in these exact terms, in the ancient Anglo-Saxon charter of the City of London, where it stands thus:—"eallra þæra laga weorðe," *i. e.* "*worth all the laws.*"

"medius," or, if more than one, how many, existed between the intending grantors and the Crown; and, furthermore, whether the lands that would remain to the intending grantors, after the grant had been made, would be enough to secure the discharge of all the services, charges, and obligations of all kinds, the discharge of which was the condition under which they held their lands. If any of these services or obligations should be escaped from, through the granting of any of the land in *mortmain*, a heavier burden than before would of course fall on other persons, and so the country would suffer. The closing words of the writ *ad quod damnum*, put this with a very striking clearness. The inquiry was to be made into all the particulars enumerated, "*So that, by the grant and assignment aforesaid, through default of* [the grantors], *the* COUNTRY *may not be charged or burdened more than has been wont.*"*

* It will be useful to those who wish to understand this subject, to have an authentic enumeration of some of the usual *conditions* under which every "*fee*" was held. I give, therefore, the exact words of so much of one of these original writs *ad quod damnum* as marks out what inquiries were to be made; quoting from a writ that was issued for an inquiry in Birmingham in 1350.—"Diligenter inquiratis si sit ad dampnum vel prejudicium nostrum aut aliorum si concedamus [licenciam]; et, si sit ad dampnum vel prejudicium nostrum aut aliorum, tunc ad quod dampnum et quod prejudicium nostrum et ad quod dampnum et ad quod prejudicium aliorum, et quorum, et qualiter, et quo modo; et de quo vel de quibus teneantur [terræ, etc.], et *per quod servicium*, et qualiter, et quo modo, et quantum valeant per annum in omnibus exitibus juxta verum valorem eorundem: et qui et quot sunt medii inter nos et prefatos Fulconem et Ricardum de messuagio et terra predictis; et quæ terræ et quæ tenementa eisdem Fulconi et Ricardo *remaneant ultra* donacionem et assignacionem predictas, et ubi, et de quo vel de quibus teneantur, et *per quod servicium*, et qualiter, et quo modo, et quantum valeant per annum in omnibus exitibus; et si terræ et tenementa eisdem F. et R. *remanencia ultra* donacionem et assignacionem predictas *sufficiant ad consuetudines et servicia, tam de predictis messuagiis et terra sic datis, quam de aliis terris et tenementis sibi retentis, debita, faciendum, et ad omnia alia onera que sustinuerunt et sustinere consueverunt*—ut in sectis, visibus franci plegii, auxiliis, tallagiis, vigiliis, finibus, redempcionibus, amerciamentis, contribucionibus, et aliis quibuscunque oneribus emergentibus—*sustinendum*, et quod iidem F. et R. in assisis, juratis, et aliis recognicionibus quibuscunque, poni possint, prout ante donacionem et assignacionem predictas poni consueverunt: *Ita quod* PATRIA, *per donacionem et assigna-*

Upon this writ there followed the Inquiry. The result of that inquiry was embodied in a document wherein were always recorded the *Names* of the good and law-worth *Men* by whom the inquiry had been made. It is much to be regretted that the record of the inquiry held before the issue of the Licence in Mortmain of 1285 has been lost; for it would have given us twelve more names of early Birmingham freeholders.

If this Inquiry showed that the grant would not be to any one's injury, and would not cause the evasion of any obligations or services, nor the charging and burdening of the country more than had been wont, the "Licence in Mortmain" was issued. In some rare cases, explained by special circumstances, a *conditional* License was granted in the first instance; the *condition* being, that an Inquiry should be afterwards duly made, and that the case should be found one in which the Licence could be lawfully granted. But such cases are so unusual that it would not have been necessary to mention them here but that, in a memorable instance that will presently be named, this form of Licence happens to have been what was asked for and obtained.

It follows from all this, that, if any land had been given away in *mortmain* to a corporate body or person, and had been appropriated by that body or person, without the issue of the writ *ad quod damnum* and due inquiry made thereupon, there was a distinct breach of the Law, and the land was liable to be seized by the Crown at any time. The only way to get rid of this danger was, for those who held the land to obtain from the Crown a "Pardon."

Now it happened in Birmingham that, at the end of the thirteenth and beginning of the fourteenth centuries, the example that had been set by THOMAS OF MAIDENHACCHE,

cionem predictas, in ipsorum Fulconis et Ricardi defectum, magis solito non oneretur seu gravetur."

WILLIAM OF BIRMINGHAM, and RANULPH OF RUGBY, was followed by several neighbours, who added their contributions towards the endowment of the Priory of St. Thomas the Apostle. Most of these endowments were, individually, not large; and it was this fact, doubtless, that led to the oversight of the Writ *ad quod damnum*, in each of the separate cases. But, put altogether, the amount of these endowments was large, and the risk of forfeiture became dangerous to the Priory. So, just twenty-five years after the Licence in Mortmain which has been already quoted, a "Pardon" was obtained by the Prior of Birmingham, which is recorded on the Patent Roll of the year 1310, and which enumerates both the givers and the gifts.

From this Pardon I now take the names of those Birmingham men and women who thus, nearly six hundred years ago, gave houses and lands and income out of their own substance, towards the founding and endowing of the Priory of Birmingham. At the same time, I state what it was that each gave, in order that the sort of property then held in the town may be better understood. The reader must, throughout, keep in mind the enormous difference in the value of the same nominal amounts of money between that day and this.

In this and the other cases that will follow, I give the spellings of the surnames, whether merely descriptive or having become true "surnames of continuance," as I find them, inserting the modern form of the word between brackets where any doubt seems likely to arise. The mere descriptive *particles* I give in their English forms, where they have been translated into Latin in the original.* When such a particle appears in its English form in the original

* The Latin tongue not possessing what we now mean by the grammatical "*article*," the degraded forms of *ille, illa*, are used to express the masculine and feminine of "*the*." Thus we find "le," "la," "de le," "de la."

record, I put [*sic*] after the surname. The description of the gifts made I translate in each case, and use the modern spelling.

GIVERS, AND GIFTS MADE, TO THE PRIORY OF ST. THOMAS THE APOSTLE, IN BIRMINGHAM, BETWEEN A.D. 1285 AND A.D. 1310.

JOHN OF SOMERY, seven acres and one rood of land, in Bordesley.

WILLIAM OF BURMINGEHAM, twenty-two acres of land and half an acre of meadow, in Birmingham.

ROGER THE MOUL, four acres of land in the same town.

GEOFFRY OF COFTON, one acre of land in the same town.

WILLIAM CORBYN, half an acre of land in the same town.

NICHOLAS IN THE DALE, one acre of land in the same town.

ROGER OF MAKYNTON, twelve-pence of rent in the same town.

ROGER ATTE GATE, five-pence of rent in the same town.

WILLIAM AYGNELET, six-pence of rent in the same town.

WILLIAM JORI, six-pence of rent in the same town.

ALEXANDER THE MERCER, six-pence of rent in the same town.

WILLIAM OF DODESTON, six-pence of rent in the same town.

ROGER THE MOUL, aforesaid, one acre of land and six-pence of rent in Duddeston and Birmingham.

HAMON CISSOR [? CARVER], two shillings of rent in Birmingham.

JOHN OF PAKYNTON, four-pence of rent in the same town.

ROGER PREUST, two-pence of rent in the same town.

RICHARD LUMBARD, two-pence of rent in the same town.

EDITH, who was the wife of WARIN JORI, one penny of rent in the same town.

RALPH KOKEYN, six-pence of rent in the same town.

ALEXANDER THE KENE, two-pence of rent in the same town.

JOAN BAWE, a cottage in the same town.

WILLIAM TYCITO, a cottage in the same town.

RICHARD ATTE NASSHE [*sic*], a cottage in the same town.

JOHN OF CLODESHALE, a cottage in the same town.

RICHARD FOKERAM, a cottage in the same town.

CLARICE THE DAYE, a cottage in the same town.

JOHN THE CARPENTER, a cottage in the same town.

WILLIAM AYGNELET, a cottage in the same town.

CRISTIANA THE RAGGEDE, a cottage in the same town.

Nicholas in the dale, one acre and a half of land in Duddeston.

William of the shawe, one messuage and half a "virgate*" of land in the same town.

Ralph Wombestrong, four acres and one rood of land in Saltley.

Roger of Little Barre, two acres and one rood of land in the same town.

Simon of Rokeby [Rugby], half an acre of land in the same town.

Peter atte broke [*sic*], four-pence of rent in Erdington.

Thomas of Maydenhache, ten acres of land in Aston.

This "Pardon" bears the date of Berwick-upon-Tweed, on the 26th day of December, in the fourth year of Edward the Second (1310). With that carefulness to keep within the law which so strikingly marks the proceedings found stated in our early records, before any one had dreamed of using the phrase "the King can do no wrong" in the preposterously inverted and unmeaning sense in which it is now often used, the operation of this Pardon is limited, by its own express terms, to so far only as the King's power in the matter actually reached ("*quantum in nobis est*"). No pretence of "Prerogative Power" is set up.†

Two things will strike the reader upon looking at these names and gifts;—*first*, the great number of freeholders that this list, even taken alone, shows that there then were in Birmingham; *second*, how few of the surnames had yet become true family surnames, or are other than merely descriptive.

* The "virgate" is the same as what is often found under the name of "yard-land." It is a variable quantity, ranging, in different places, from fifteen acres up to even forty. I have explained the word in "The Parish," p. 512, *note* (*second* edition). What is meant in this case seems to be, the garden and paddock adjoining the messuage.

† See the Note † before, p. 15, for Lord Coke's own language. On a subject that is of so much constitutional importance, it is well to give some further quotations, the spirit of which cannot be mistaken. "Though no manner of person or cause be unsubject unto the King's Power, yet so is the power of the King over all, and in all limited, that unto all his proceedings the Law itself is a rule. The axioms of our regal government are these, *Lex facit regem*:—the King's grant of any favour made contrary to the Law is void: *Rex nihil potest nisi quod jure potest*. . . What power the King hath, he hath it by Law; the bounds and

As to the first point, it is so common a thing for political and social writers and talkers to assume a wholly imaginary state of things, as having existed under what they call by the hazy name of "the feudal system," that when a reader comes, for the first time, across a true picture of the past, such as has now been quoted, and others that will presently follow, he will naturally be puzzled. Writers of some pretensions even tell their readers that the Laws relating to land in England have been framed, and are upheld "for the express purpose of keeping the land in the hands of a few proprietors; of depriving the peasants and small shop-keepers of any part of it, and of the influence which its possession confers; and of supporting a great proprietor class."* Such statements are best answered by looking at the facts themselves, as found by the actual records of the times, and as incidentally illustrated by earlier writers, speaking of their own times.

Sir John Fortescue was Lord Chief Justice of England, in the time of Henry the Sixth. His celebrated work on the

limits of it are known. The entire community giveth general order, by Law, how all things publicly are to be done: and the King, as the Head thereof, the highest in authority over all, causeth, according to the same Law, every particular to be framed and ordered thereby. The whole Body Politic maketh Laws, which Laws gave power unto the King." (Hooker's "Ecclesiastical Polity," pp. 446, 465: ed. 1705). "He can do no wrong, saith the old maxim: *that is*, he can do nothing against the Law; nor is anything to be judged for his benefit that is not warranted by Law." (Lord Somers's "Security of Englishmen's Lives," p. 66, ed. 1681). And Bracton, centuries earlier, had written, "Rex habet superiorem, Deum: item Legem, per quam factus est Rex. . . Potestas itaque sua juris est, et non injuriæ;" and much more to the same effect. There is in Matthew Paris (p. 355, ed. 1684), a picturesque account of the marriage of Henry III., and of the carrying before him of the sword "Curtana," as a symbol of the constitutional limits to the power of the Crown.

It is very necessary to call attention to these things, at a time when books pretending to teach what the constitution of England is, actually lay it down that the Crown is above the Law, and when Members of Parliament listen in subservient silence to Ministers who are continually sheltering their own misdoings under the pretence of the "Prerogative of the Crown."

* This passage actually occurs in Mr. Kay's work on "The Social Condition of Europe," published in 1850. The same sort of thing is being constantly assumed as a real statement of the present state of facts.

Laws of England, is written in the form of a dialogue between himself and the young Prince, which is represented to have been carried on during the exile of both in France. Explaining to the Prince how it is that, in England, independent Juries are able to be put in action in whatever case arises in any part of the country, Fortescue says:—"The same country [England] is so filled and replenished with landed men, that therein *so small a little hamlet cannot be found* wherein dwelleth not a knight, an esquire, or such a householder as is there commonly called a Franklin, enriched with great possessions; *and also other freeholders, and many yeomen* having sufficient estate to make a jury in form aforementioned. . . . After this manner, oh! mighty prince, are none other realms of the world disposed and inhabited. For, though there be in them men of great power, of great riches and possessions, yet they dwell not one nigh to another, as such great men do in England; *neither so many inheritors and possessors of land are elsewhere as in England.*"*

It cannot be necessary to do more than refer to what is said on the same subject by Lord Bacon, in his Essay "Of the true greatness of Kingdoms and Estates."

As to the Names of these old Birmingham freeholders, out of the thirty-three that are found in this "Pardon," not more than eleven, at the outside, had then become true surnames, the rest remaining merely descriptive. Those eleven are, Corbyn, Aygnelet, Jori,† Cissor(?), Preust, Lumbard, Kokeyn,† Bawe, Tycito,† Fokeram, and Wombestrong.

It is not my present purpose to go into the origin of every name that is given. Space will not allow me to do more than call attention to the manner in which different names

* I adopt here the translation published in 1672, except where the sense of the Latin original does not seem fully given.

† These names certainly, and probably others in this list, are found elsewhere with different spellings, but representing much the same sounds. See the extract from Fuller, before, p. 16.

illustrate the growth of surnames in England, and to the variety of forms in which some of these have come down to us.

Of the above eleven names, *Corbyn* remains to this day in that shape: *Aygnelet* seems preserved to us under the several shapes of the place *Inkleys*, and the names *Ingley*, *Ingall*, *Aylet*, and *Ault*, all known in Birmingham: *Jori* seems known to us under the disguise of *Jolly: Cissor*, *Preust*, and *Lumbard*, had probably not long lost their descriptive particle; the first being in fact the Latin word for "Carver" (Scissor); and perhaps it ought to have been thus set down in the list; but, having no particle before it in the original, I have left it in the dignity of a true surname.* *Preust* is clearly "the Priest," and *Lumbard* as clearly the "man from Lombardy." *Bawe* not improbably remains among us under the varying forms *Barrow* and *Barr*.

Of the descriptive names that seem taken from territorial places, there are those from *Somery*, *Birmingham*, *Cofton*, *Makynton*, *Duddeston*, *Pakington*, *Clodeshale*, *Little Barr*, and *Rugby*. Of those taken from particular spots or things, there are, *Nicholas in the dale*, *Roger atte gate*, *Richard atte nasshe*, *William of the shawe*, *Peter atte broke*, and *Thomas of maydenhache*. Of those taken from offices, trades, or occupations, there are, *Alexander the mercer*, *John the carpenter*, and probably, as before said, *Hamon Cissor*. There is not, among the number, one patronymic. But of names taken from personal characteristics, there are, *Alexander the kene*, *Clarice the daye*, and *Cristiana the raggede*. *Roger the moul* (mole) is a nickname.

Some of these names deserve closer remark.

The name *Nicholas in the dale* recalls the time when

> "Every shepherd told his tale
> Under the hawthorn, *in the dale*."

It is long since the hawthorn tree spread its green

* It stands on the same footing with "Dapifer:" see before, p. 18.

boughs, and scented the air with its sweet May-flowers, in the place whence this man took his name, and since the shepherd gathered his flock around him there, at sunrise, and told their number over, that he might be surely able to report, at even-song, that the tale was right.* But the old name by which the spot was known more than five hundred and fifty years ago in Birmingham, still lingers in "Dale End," and I shall show that there formerly stood there a "Dale Hall." The surname "Dale," the descriptive particle being dropped, remains a Birmingham surname.

The name *Roger atte gate* is, in the Latin, "Rogerus ad portam." He perhaps lived near to the gate whence "Deryat-end" got its name.† The names "Gates" and "Yates" still flourish, while "atte gate" has, in some parts of England, though I think not in Birmingham, drifted into the surname "Agate." *Richard atte nasshe* gives an instructive illustration of how surnames get shape. This man or his father lived near an *ash* tree. The letter "*n*" was slipped in after "atte" and before "ash," for mere ease in sounding the words, just as we use "an" instead of "a" before words beginning with a vowel. So the descriptive name became "atte nasshe," according to the spelling of the time; and, when the particle was dropped, it became "Nash," which remains a not uncommon surname. "Shaw" being another name for a wood, we have "of the shawe," in addition to "atte holte" and "atte wood." As in the case of "Holte," the particle has here been dropped, and the name is now known as "Shaw." In the same way, "atte broke" has become "Brooke" and "Brooks." But "Attenbrook" also remains still known as an English surname.

* One who was a better artist than linguist, not long ago made the odd mistake of treating these two lines of Milton's 'L'Allegro' as if the allusion were to a love-tale whispered by a shepherd to a maid, instead of being to the regular duty of the shepherd in his daily life.

† See "Traditions of the Old Crown House," p. 45, *note*. See also on this subject, Notes hereafter, on pages 71, 64.

The surnames "Mercer," "Carpenter," "Keen," and "Kean," will be immediately recognized as sprung from others in this list, the particle, as in other cases, having been dropped. And the name "Mole" is a respectable modern name, sprung, no doubt, from an ancestor whose shortness of sight led to his getting the nickname of "the mole."

The two names *Clarice the daye*, and *Cristiana the raggede*, give curious examples of surnames that have sprung from personal characteristics. In the old Northern tongue, there is the word "da," and in the closely kindred Anglo-Saxon there is the word "daag." Both have much the same original meaning, which is that of unreadiness of mind or dress. The original words and meaning are both still living among us, in the words "daze" and "daggle." A person is "dazed," that is, bewildered; or "daggles," that is, shows untidiness in dress. "Day" is a common and respectable Birmingham name now; but the particle has been dropped, and with it, no doubt, the qualities whence came the original descriptive name. The name of *Cristiana the raggede* needs no explanation. In modern times, the surnames "Wragge" and "Ragg" have dropped not only the foregoing particle but the last syllable, and so hardly remind us of the origin of the name.

It is worth notice here, that names derived from personal characteristics and fancied resemblances to qualities of animals, were very common among all the Northern races. They often seem whimsical enough, but were soberly used as means of distinguishment. I may quote the first lines of part of an old Northern saga to illustrate this common habit. Some of the surnames here stated run quite parallel with *Clarice the daye*, *Cristiana the raggede*, and *Roger the moul.*

"There was a man," says the saga, "named THORD, who married FRIDGERD, daughter of THORER THE IDLE. THORD was son of BIARNI BUTTERTUB, grandson of BIARNI IRONSIDES,

son of RAGNAR HAIRY-BREECHES [LOD-BROK]. THORD and FRIDGERD had a son named SNORRI, who married THORHILD THE PARTRIDGE, daughter of THORD THE LOUD. They had a son named THORD HORSEHEAD."

The affair of the "Pardon" which has supplied us with these relics of the Men and Names of Old Birmingham, seems to have made it thoroughly known to the freeholders of the town, that it was unfitting to make any endowment without going through the regular course which the Law required. Less than twenty years after its date, WALTER OF CLODESHALE, no doubt a son of the JOHN OF CLODESHALE named in the Pardon, set about founding a Chauntry and endowing a priest to perform daily service for the souls of himself and Agnes his wife in the old Church of St. Martin. This was one of two Chauntries established in Birmingham by the same family, and which were always afterwards known as the *first* and *second* Chauntries. They were treated together by the Commissioners in Edward the Sixth's time, and will be most conveniently so treated now.

The *first* of these two Chauntries was founded in 1330 by WALTER OF CLODESHALE: the *second* was founded in 1347 by RICHARD OF CLODESHALE. The terms of the former foundation were, as usual, for the performance of daily service for the souls of the founder, his wife, and their ancestors. But the terms of the latter foundation were peculiar. RICHARD OF CLODESHALE seems not to have thought it a sufficiently profitable investment to take precautions for the state of his soul hereafter: he wished to be comfortable in this world, as well as to smoothen his course through purgatory. So the terms of his endowment are, for the performance of daily service "for the well-being of Richard himself and Alice his wife, and for the souls of Richard and Alice when they have gone from this light" [*pro salubri statu ipsius Ricardi et*

Alicie uxoris ejus, et animabus eorum Ricardi et Alicie cum ab hac luce emigraverunt].

The Writ *ad quod damnum* for the foundation of the *first* chauntry, was issued on the 19th February, 1330; and the Inquiry under it was held on the Friday next after the feast of Saint Mark the Evangelist (25th April) in the same year. The names of the freeholders who formed the jury for this inquiry were,—William Verite;—John Corbyn;—John atte holt [*sic*];—John the porter;—William of Neuport;—Thomas Mareschal;—Thomas Corbyn;—John of Colsull;—Adam of Packewode;—John the deyseer of Birmingham;—John the fychelere;—and, William the mey.

The Writ *ad quod damnum* for the foundation of the *second* chauntry was issued on 27th April, 1347; and the Inquiry under it was held on 26th June in the same year. The names of the freeholders who formed the Jury for this inquiry were,—Henry Morys;—John son of Gilbert;—Geoffry Morys;—Rôbert Page;—Thomas son of John;—William the kynges;—William Colemon;—John Parys;—William son of Margery;—John Burgeys;—Henry Colemon;—and, John Frewes.

It is remarkable that, while the list of 1330 repeats only one, the list of 1347 does not repeat a single one, of the names of 1310; nor does the list of 1347 repeat a single one of the names of 1330. So that, within less than forty years, we get the names of more than fifty freeholders of Birmingham, either actually living at the same time, or within the immediate memory of those then living. And of course this is by no means a complete list of all who were then freeholders in the town.

These two lists give some remarkable fresh illustrations of the origin and growth of surnames. Out of the twelve jurymen of 1330, only four (two of these with the same name) bore true family surnames; namely, *Verite*, *Corbyn* (twice,

and also found in 1310), and *Mareschal.* But the list of 1347 gives us eight (though two pairs of them are the same) out of the twelve names, in which the descriptive particle had been dropped, and which had so become true family surnames; namely, *Morys* (twice), *Page*, *Parys*, *Burgeys*, *Colemon* (twice), and *Frewes.* In the list of 1330, there are four descriptive surnames taken from places, namely *John atte holt*, *William of Newport*, *John of Coleshill*, and *Adam of Packwood.* The list of 1347 does not contain a single name of this class. The list of 1330 contains also four other names belonging to classes of which not a single example is to be found in the list of 1347; namely, names descriptive of office, occupation, or personal characteristics. These names are *John the porter*, *John the deyseer of Birmingham*, *John the fychelere*, and *William the mey.*

The last three of these names claim special remark. We have had "*the barber of Birmingham*;"* but there was a special reason, in that case, why the place of abode should be given, besides the occupation. The same reason does not apply in the case of a list of men who were necessarily all Birmingham men. It follows, that *John the deyseer* must have held some office of special trust that was identified with the town, and the title of which was "the deyseer." But what was a "deyseer"? It is not easy to answer this question with certainty. Tyrwhitt was puzzled to understand the meaning of the word "dey" in Chaucer's line,—

"She was as it were a maner dey."†

But the true meaning of that word cannot apply here.‡ It seems to me most likely, though I would speak cautiously, that the word "deyseer" was a local name given, at least in Warwickshire, to the man appointed to collect the Clergy

* Before, p. 18. † The Nonnes Prestes Tale.

‡ "Deigia" and "deigr" mean, in the old Northern tongue, *dampness*, *damp*. Hence our word "dairy." The "dey" kept the dairy.

tax. Formerly, when subsidies were granted by the Commons to the Crown, the Clergy granted a separate subsidy. "Fifteenths," "Tenths," "Half-tenths," were names given to such subsidies. The Clergy-grant was well known as a "disme,"—quite a distinct thing, it must be remembered, from the "tythe" payable to the Clergy. Collectors of these "dismes" were appointed, and were recognized by Parliament.* In the Hundred Rolls of Edward the First, I find "Roger the disser of Coventry." This name plainly corresponds, with but a slight difference in the spelling, to "John the deyseer of Birmingham."†

I cannot be certain that "*the fychelere*" is only a disguise for "the fisher" (the old word for "fisherman"), though there can hardly be much doubt about it. But of the meaning of "the mey," there is, happily, little room for uncertainty. It is the pure old Anglo-Saxon word "mæg," meaning near friend, or relation, and seems to have been often used as distinctive when a man was adopted into another family, as, for instance, in the case of a son-in-law. The name is very often found in the old Hundred Rolls and other records. I have little doubt that the word "mate," by which working men, both in town and country, are in the habit of addressing one another when they are engaged on any work together, and know not each other's actual names, is the relic of the same genial word and meaning.‡

There remain four names to be noticed, which are found in the list of jurymen of 1347, belonging to a class of which there is not a single example to be found in either the Pardon of 1310 or the jury list of 1330. These are *John*

* Two illustrations will enable any one to verify the facts. See Rolls of Parliament 8 Edward II. (A.D. 1314), Pet. No. 113; R. P. 5 Henry V. (A.D. 1417), Pet. No. vii.

† A remarkable entry on the Parliament Roll of 10 Henry VI., suggests a possibility that "deyseer" ("disser") may mean "Tythingman."

‡ In the Anglo-Saxon, there is the word "maca," obviously from the same root.

son of Gilbert, *Thomas son of John*, *William the Kinges*, and *William son of Margery*. All these are patronymics. Most likely *Gilberts*, *Gilbertson*, or *Gibson*, was the name by which John was called among familiars, though the name, when translated into Latin, was put in a more formal shape. Thomas would, in the same way, be called *Johnson*. *The Kinges* means the son of a man who had got to be called "the King," from the conspicuousness with which he had played the part of "King" in some of the public games and shows which were then both universal and frequent.* There was, indeed, one of these games that was known by the express name of "The King-game," and we sometimes find actual record kept of the persons who filled the part of "King" and "Queen" on the occasion.† The addition of the letter "*s*" to a father's name, has the same significance as the addition of the word "son."

The most curious of these four patronymics, however,—if the fact does not make it necessary to coin the new word *matronymic*—is, perhaps, *William son of Margery*. It is not often that a freeholder has thus got a descriptive name from the mother's, instead of from the father's, side. Margery was, it will presently be seen, a favourite woman's name at that time; and the existence of such names as Megson, Meggs, and Gerison, shows that the descendants of Margaret's son have been many and wide spread.

Little more than three years had passed since Richard of Clodeshale had endowed the second Chauntry in old St. Martin's Church, when an endowment on a larger scale took place in another Church in the town which was then much resorted to, though all trace, even of its existence, is now gone. This church is called, in old records, the "Free Chapel"

* I have given some account of these games in "*The Parish*," pp. 496–506, 515, 516, 521, 522, etc. (*second* edition).

† See an example quoted in the "The Parish," p. 515.

of Birmingham; and it deserves in itself to be remembered with an attention greater than a mere Chauntry, though the Chauntry endowment no doubt helped to sustain its importance in the town.

On 3rd July, 1350, a Writ *ad quod damnum* was issued to JOHN OF WINDSOR, Escheator of Warwickshire, to hold an Inquiry touching grants proposed to be made by FULCO OF BIRMINGHAM and RICHARD THE SPENSER, of messuages and lands in Aston and Birmingham, for the support of a Chaplain who should celebrate divine service daily for the souls of WILLIAM THE MERCER and MARGERY his wife, of ROBERT THE SPENSER and ISABELLA his wife, of HENRY OF CALDEWELL and MARGERY his wife, and of their ancestors, at the altar of the blessed Mary in the Church of the Hospital of Saint Thomas the Martyr in Birmingham.*

It is noteworthy that all the six names mentioned in this writ are descriptive only; three being taken from territorial places, and three (two of them being the same) from the calling or office of the bearer. *Fulco of Birmingham* has been named before:† *William the mercer* was perhaps the son of *Alexander the mercer.*‡

Upon this Writ a jury was summoned, and an Inquiry was made at Birmingham on the 19th July of the same year. The names of the Jurymen who made this inquiry are as follows:—RICHARD OF SHIRYNTON;—RICHARD ATTE CHAPELLE [*sic*];—THOMAS OF WYTTON;—JOHN COLEYN;—WILLIAM OF THE NEOWEHAY; — JOHN MICHEL; — RICHARD JUDDEN; — THOMAS MICHEL; —JOHN KEMPE;—THOMAS OF STRETTON;—JOHN PHILIP;—and, JOHN THE RAGGEDE.

All these names are new, except the descriptive surname of *John the raggede.* The bearer of this name was probably a son of *Christiana the raggede.*§ Six out of the twelve

* It is from this writ that the quotation is taken that is given in the note to p. 25.
† P. 19. ‡ See before, p. 28. § See before, pp. 28, 34.

names (two being the same) are "surnames of continuance," while six are merely descriptive names; all the latter, except *John the raggede*, being taken from places, either territorial or special. These are so obvious that two only among them need any remark.

Thomas of Stretton was no doubt some relation to the *Robert Stretton* who was Bishop of Coventry and Lichfield from 1359 to 1385, and who was one of the parties to a very important transaction that will presently be mentioned. *William of the neowehay* bears a doubly descriptive name. "Neowehay" is a drawling way of spelling "new-hey;" that is, "new inclosure." He or his father dwelt at some place that had been freshly made into an enclosed homestead. There are, near Birmingham, more than one place still bearing the name "Hey." Each of these must have been, at some time, a "new hey." One of them I have already mentioned.* From one of them, no doubt, this William got his descriptive name. By-and-by, the two particles were dropped, and the name "Newey" has ever since been somewhat common in Birmingham.

The name *John Philip* probably records an ancestor of him who, three centuries and a half later, gave the land whereon to build the church now called St. Philip's Church. The name is found spelled, however, in several ways.

It may be not uninteresting to add, that this Jury reported that one house and thirty acres of land in Aston, being part of what was proposed to be granted for the purpose beforenamed, were held of the Lady of Aston at three shillings a year, and that the Lady of Aston held them of John Botetourte; the said Lady and John being the "medii" between the King and Fulco and Richard, the intending endowers and that another house and seventy acres of land in Birmingham, being the remainder of what was proposed to be

* "Traditions of The Old Crown House," pp. 43, 55; and see after, p. 96.

granted, were held of JOHN OF SUTTON at six shillings a year; this JOHN OF SUTTON being the "medius" between the king and FULCO and RICHARD. The jury goes on to describe these houses and land, and their actual value; and adds, that other lands and rents in Birmingham, and elsewhere in the County of Warwick, remained to FULCO and RICHARD, beyond the proposed endowment, and were held of JOHN OF SUTTON by Military Service; and that those remaining possessions were enough to satisfy all obligations, "so that, by the gift and assignment aforesaid, through default of FULCO and RICHARD, the Country will not be charged or burdened more than has been wont."*

The issue of the Licence in Mortmain in this case was delayed for some months; but it was done at last, on the 12th February, 1351.

I pass on now to a transaction very different in its kind from endowments made towards giving ease to souls in purgatory. But I cannot leave such endowments without the remark that, whatever form of faith a man may hold, there is something that must touch every heart not dead to human sympathies, when these traces are met with of the anxious piety of those who, putting faith in "the sacred prevalence of prayer" on behalf of the souls of their no longer living kindred, took much pains and gave great gifts to ensure that such prayers should be constant.

In the time of Edward the Third, however, men's minds in England began to be deeply stirred by the flagrant abuses that had grown up in the Church establishment, through the wide-spread perversion of Church endowments to personal selfishness, instead of those endowments being devoted to the Public ends for which alone the endowers gave them. Thoughtful and sincere men raised up their voices in the demand for an earnest reality of practical religious teaching.

* See before, p. 25.

The gross remissness, ignorance, and misdoings of the clergy, had been the subject of often repeated complaints in Parliament.* A native English poet now arose, who boldly denounced, in nervous language, and, though wrapped in picturesque allegories, in the plainest manner, the short-comings and mis-teachings of the clergy, and the mischiefs done by the monastic orders; and who declared, with a wonderful simplicity and undistorted truthfulness, what the reality of Christian teaching should be. And what Piers Plowman was thus saying in a tongue that all the People could understand, and in a manner that was most attractive to them, and in verses that soon became familiar through the land as household words, was soon after more scholastically, but not less energetically said, and repeated in many shapes and through many years, by one who was indeed a Priest, but who, himself undertaking the great work of translating the Bible into English, denounced the lives and mis-teachings of the priesthood, and began a new system of earnest teaching, with a strength and purpose and unremitting vigour that have made even Roman Catholic historians confess that John

* Some illustrations of these I produced, when giving evidence before the Select Committee of the House of Lords on Church Rates in 1860; and they are printed with the Report presented to the House by that Committee. The evidence which I then gave, having been referred to in subsequent debates in Parliament, as well as elsewhere, will not be unknown to some of my readers, and is easily accessible to all. I will now, therefore, only shortly refer to the Statute of Carlisle (A.D. 1306), the Statute of Provisors (A.D. 1350), the Rolls of Parliament of 20 Edward III. (A.D. 1346), and the Rolls of Parliament of 50 Edward III. (A.D. 1376), for striking proofs and illustrations, not only of the strong public feeling that was warm and growing through all that time upon this subject, but of the very clear and precise knowledge that men had as to the true purposes, now often misunderstood, of Church foundations and endowments. It will be found brought vividly before the reader, that whereas Churches were founded "to inform the People of the Law of God, and to make hospitalities, alms, and other works of charity, in the places where the Churches were founded," the Parishioners had been left to "perish in body and soul," and were obliged to "cease sending their children to school;" and, in short, that "Holy Church is more hurt by such bad Christians than by all the Jews and Saracens in the world." No wonder "Reformers" arose, and that, when they arose, they were eagerly listened to.

Wyclif was the father of the Reformation in England.* In the midst of all this,—but, as I have elsewhere shown,† in immediate connection with it,—a case that arose out of the non-fulfilment of a parson's duty, was brought before the Courts of Law; the judgment given in which left no one able any longer to pretend that Parish Churches were raised for the sake of the parsons; and which put at rest for ever any halting doubts as to whether it is within the spirit, and conformable to the practice, of the Common Law of England, that the inhabitants of any parish should, of their own motion and by their own consent alone, repair the Church of their parish to make it fit for their own use.‡

Piers Plowman's Vision was written about 1362, and soon

* "A new teacher appeared, who boldly rejected many of the tenets which his countrymen had hitherto revered as sacred. . . . In proof of his doctrines he appealed to the Scriptures, and thus made his disciples judges between him and the bishops. . . .Wyclif made a new translation; multiplied the copies with the aid of transcribers; and, by his 'poor priests,' recommended it to the perusal of their hearers. In their hands it became an engine of wonderful power. . . .The new doctrines insensibly acquired partisans and protectors in the higher classes; a spirit of inquiry was generated; and the seeds were sown of that religious revolution which, in little more than a century, astonished and convulsed the nations of Europe." (Lingard's History of England, vol. iii. pp. 265, 310; *fifth* edition.)

Some contemporary verses tell us that,

"Assumpsit Wyclyf multas hæreses violando
Catholicamque fidem, dogmata falsa serens."

('Political Poems,' etc., edited by Thomas Wright, vol. i. p. 458.)

Mr. Shirley, the editor of the lately published volume entitled "Fasciculi Zizaniorum Magistri Johannis Wyclif, cum tritico," tells us that the preface to Wyclif's book 'De dominio divino' seems "the true epoch of the beginning of the English Reformation." And the same learned writer fixes the date of the publication of that work as, "at the latest, in 1368." He believes it to have been a year or two earlier.

† See Evidence given before the Select Committee of the House of Lords, in 1860, as before mentioned.

‡ I have printed a translation of this remarkable case in "The Parish," p. 584 (*second* edition). The most important parts of it are also given in my Evidence before the Lords, in 1860, already mentioned. The before-named complaints made in Parliament of the misconduct of the clergy, expressly include the charge that they "suffer the noble buildings, in old times there made, wholly to fall to decay," though the original endowments were meant to supply means for reparation of the churches, as well as for the support of the parsons.

reached and long kept an extraordinary popularity. John Wyclif was writing, preaching, and teaching, from about 1361 to 1384. The case which put the rights of Parishioners in their Parish Church beyond a doubt, was adjudged in 1370.

The spirit of the practical Christianity that Piers Plowman taught, may be judged of by the descriptions that he gives of Mercy and Charity:—

"Goddes Mercy is moore
Than alle hise othere werkes;
And al the wikkednesse in this world
That man myghte werche or thynke,
Nis na-moore to the Mercy of God
Than in the see a gleede [hot cinder]."*

And again,

"Charite ne chaffareth noght,
Ne chalangeth, ne craveth.
. . . . . .
He is glad with alle glade,
And good til alle wikkede.
And leveth [liketh] and loveth alle
That oure Lord made." †

Piers Plowman very plainly told "prelates and preestes" that hypocrisy is not religion. Whatsoever it is, says he,—

"That ye prechen to the peple,
Preve it on yowselve,
And dooth it in dede:
It shal drawe you to goode.
If ye leven as ye leren [teach] us
We shul leve yow the bettre."‡

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* *Passus quintus de visione.*

† *Passus decimus quintus.* It is impossible not to be reminded, by these words, of Coleridge's fine lines in "The Ancient Mariner,"—

"He prayeth best who loveth best
All things both great and small;
For the great God who loveth us
He made and loveth all."

‡ Piers Plowman is written in the old English *alliterative rime:* that is, the cadences of time in which the verses are composed, are made to linger on the

The author of Piers Plowman's Vision is understood to have been a Monk of Malvern. John Wyclif found a supporter in John of Gaunt, Duke of Lancaster, who was the owner of Kenilworth Castle, and a Justice of the Peace for Warwickshire; while Lutterworth, where Wyclif lived from the beginning of 1374 till his death in the last days of 1384, is very near to the borders of Warwickshire. The teachings of both Piers Plowman and Wyclif would, then, necessarily be well known in the market-town of Birmingham and the neighbourhood.

Now it happens that Deritend, though within the *Lordship* of Birmingham,* lies within the *Parish* of Aston. In the same Parish, and adjoining Deritend, is Bordesley; which, though a less important and less populous place than Deritend, had from of old a separate Court Leet and Court Baron of its own, distinct from those of Aston. For secular purposes then, both these places had long, at the time I am speaking of, had an existence quite independent of Aston. Aston itself was so dependent on Birmingham that the Parish is called, by two such authorities as Spelman and Camden, "Birmingham's Aston."

Whether Sir Richard Shobenhale (to give him his full clerical title), who, towards the latter end of the fourteenth century, happened to be Vicar of Aston, was a Parish Priest of the sort that Piers Plowman and Wyclif so vigorously denounced, cannot perhaps be now known with certainty. But this much is certain;—that the inhabitants of Deritend and Bordesley had become moved by the spirit that breathed

ear by the repetition of the initial letter of prominent words. This is usually done by the initial letter of two leading words in the first line of a couplet, being the same as the initial letter of one leading word of the second line of the couplet. The last quotation above given contains three couplets, each of which fulfils this very ancient English rule of rime.

* "Traditions of The Old Crown House," p. 45, *note*. See also both the ancient deeds of which facsimiles are given in that work.

through the teachings of Piers Plowman and Wyclif, and had grown thoroughly dissatisfied with being dependent, for their religious services, upon Aston Church and its Vicar. It is easy to understand the feelings that waxed strong and stronger on this subject, and the settled wish that arose to have an independent Church of their own within their own borders; feelings and a wish that were helped to ripen into determination by that important Judgment of Law, which put beyond doubt the right of parishioners to repair their Parish Church for their own use. It seemed to the men of energetic minds who then dwelt in Deritend, to be only applying the same principle one step further if they should build an entirely new Church for themselves. And this, accordingly, the men of Deritend and Bordesley, joining together for the purpose, set about to do. The Church which they thus built was the first actually new built Church of which there is any record, as the fruit of the teachings of the true fathers of the Reformation in England. The building of this Church becomes therefore a memorable event in the history of England, and of the Reformation in Europe. It is a specially memorable event in the history of Birmingham.

In those dim times of early England whereof we learn from the "venerable Bede," we know that the foundation of Churches was going on, and was urged as a duty incumbent upon those who held large landed possessions.* The formation of "Parishes" must have become generally settled between that time and the close of the tenth century; for, while we find in Domesday Book the record of new Churches having been then lately built, we find the further fact that such new Churches had already then begun to be called "Chapels." Numerous examples of Churches thus bearing

* See, for example, Hist. Eccles. lib. 5, capa. iv. v.; Epist. ad Ecgbert (pages 306, 307, of Smith's edition of Bede).

the name of "Chapels," though independent of any Parish Church, might be given from later records. They seem to have been generally founded, as Parish Churches had been, by single, or a few, landowners. There are, however, some instances that approach more nearly to the manner of foundation of the Church built in Wyclif's time in Deritend; though none seems to be known that is of so early a date, and of which the history is able to be recovered in so clear a manner, as the Church that has been now known for nearly five hundred years as the "Chapel of St. John the Baptist of Deritend."*

When a wealthy landowner had built a Church at his own cost and on his own land, for the use of his tenants and his neighbours, it seemed to follow, as a matter of course, that he should himself appoint the person who was to celebrate divine service there. And it would follow, on the same principle, that when the inhabitants of a place themselves built a Church, at their own cost and for their own use, they should themselves appoint the person who was to celebrate divine service in their Church. This was the view which the men of Deritend and Bordesley took, and which helped them in their determination to build a new Church for themselves. It was only thus that they could secure the services of one of Wyclif's own followers.

The choice of a site for the new Church seems to have been determined by circumstances that are well worthy of,

* There is a curious account, in the Domesday Book of Suffolk (fo. 281 (*b*)), of a Chapel built by four brothers, on their own land, because the Parish Church would not hold all the Parishioners. The interesting document given in Bishop Kennett's "Parochial Antiquities" (under year 1428) is of fifty years later date than Deritend Chapel, besides differing materially from the document that will presently be given. It is, however, probably the nearest illustrative comparison that can be taken. There are several pages in Kennett, following p. 584 of the edition of 1695 (Vol. II. p. 262 of edition of 1818), which treat of the foundation and incidents of "Chapels," and the relations usually kept up between these and the Mother Church.

attention. A knowledge of them may often help to explain the shape of plots of ground, and the position of old buildings, near to the highways of old market-towns and cities.

The age of The Old Crown House has been already shown.* Even were that house not still standing, it could be shown that the part of Deritend whereon the oldest dwellings stood, is that which lies on the left-hand side of the road going *out* from Birmingham towards Warwick or Coventry; the side on which one who came *into* the town, as old Leland did, from the Warwick or Coventry road, would observe that "the water ran down on the right hand." It was because the river Rea ran along that side, that it became the earliest seat of homesteads, from which the water was thus easily reached. A path to the water, both from The Old Crown House and from the House that was once the property of the last Lord of Birmingham, is, as I have already stated, particularly mentioned in ancient deeds relating to those two houses.†

The opposite side of the road in Deritend, seems to have remained long without houses. In 1285 a Statute was passed, called the Statute of Winchester, which required that, where there were no houses,—"Highways leading from one market-town to another shall be enlarged, where woods hedges or dykes be, so that there be neither dyke, underwood, nor bush, whereby a man may lurk to do hurt, within two hundred feet of the side of the way; and so that this statute shall not extend unto oaks nor unto timber trees, where it is clear underneath. . . . And if perchance a park be near to a highway, it is needful that the lord of the park set back his park so far that there shall be a breadth of two hundred feet from the highway." There are the strongest grounds for believing that the latter was the state of things on this side of the Deritend highway. But whether it were so or not,

* "Traditions of The Old Crown House."

† "Traditions of The Old Crown House," pp. 6, 39.

makes, it will be seen, no difference as to the existence of the open strip of ground two hundred feet in breadth.

On looking, upon Bradford's plan, at the space occupied, more than a hundred years ago, by the houses, with their gardens, on the side of the street opposite to The Old Crown House, it will be seen that the breadth, all along that side, from the river to just opposite The Old Crown House, is remarkably equal; and measurement shows this breadth to be just two hundred feet. From opposite The Old Crown House to Bordesley, it widens a little, by encroachment on the street, but the inner line remains the same.* No such regularity is to be found on the other side of the street. The conclusion is inevitable, that, at the time when the Statute of Winchester became Law, there were no houses on this side. It was an open space, with oaks and other timber trees giving shade and beauty to what, in spring time and in summer, would be the pleasant resort of the young for games and of the old for pastime. The same space would remain still thus open at the time when the inhabitants determined upon building a new Church for themselves. A better site they could not have; and accordingly they chose nearly the middle point of this open ground to build their new Church upon. Having ample room, the new Church was, according to custom, set straight with the points of the compass, but not with the line of the road.

As the river Rea now runs, and as this street is laid down upon modern maps, the new Church, commonly called "Deritend Chapel," will not seem to have been put so near this middle point as in fact it was; for the course of the Rea has been more than once changed. About one-fourth part of the length of Deritend lies on the Birmingham side of where the stream now runs. There cannot be the least

* In "Traditions of The Old Crown House," a copy is given of so much of Bradford's Plan as takes in these parts and shows these facts.

doubt that the Rea once ran precisely upon, and in fact formed, the boundary. The course of the river was however changed, long ages ago, to suit the uses of an ancient Mill that will be named hereafter; and it was again changed, after 1784, under an Act passed in that year, "for rebuilding the Bridge over the river Rea, at the Town of Birmingham, called Deritend Bridge, and widening the avenues thereto; and for widening and varying the course of the said river near the said Bridge, and making a weir and other necessary works to prevent the lower part of the said town from being overflowed." Under the same Act, some alterations were also made in the street near to Deritend Chapel; including some of the buildings that had, after the Chapel was built, grown up on that side of the street, and even the wall of the Chapel-yard and some of the yard itself; from which latter, thirty-nine square yards were taken, and thrown into the street. The present Deritend Chapel thus stands considerably closer to the street than did the Chapel first built there.*

The new Church was begun, according to trustworthy tradition, in the year 1375.† Facing the title-page of this volume, I give an authentic view of the Church thus built. But this view is from an original sketch of the Church made while the Rea was more distant, on that side of the street, than it now is, and before the original building was pulled down, in 1735, to give way to the larger but much less architecturally attractive present Chapel of St. John's, Deritend. No one can look at this view of the old Chapel, and not feel with how much truth it was that Leland said of the street which he passed along, on the one side of which he saw

* The present chapel itself covers more ground than the old one did; and the enlargement took place partly on the side next the street. This fact, added to what is above stated, will make the chapel seem to have shifted its place, relatively to surrounding objects.

† The documents that will presently be given, prove that it was finished before 1381. So that this tradition cannot be far wrong.

The Old Crown House, and on the other this "propper Chappell," and between them, on each side, the over-shadowing elms, that this was indeed "a pretty street as ever I entered."*

But it was not enough to build a Church. Divine Service must be celebrated there. And here our good fathers, the men of Deritend and Bordesley, were met by fresh difficulties. Neither Piers Plowman nor John Wyclif was in much favour among many of the beneficed clergy. The Reformation of religious teaching and of priestly life which those illustrious fathers of the English Reformation taught, was by no means agreeable to the most active rulers of the Church. And the men of Deritend and Bordesley had to deal with rather a formidable array of those whom Piers Plowman and Wyclif denounced. First, there was the Vicar of Aston himself; who could not but feel that his authority was much weakened by the building, without his consent asked or given, and still more by the use, of a new Church within the borders of his Parish. Next, the Rectorial appropriator of the Parish was itself an ecclesiastical corporation, and one seated afar off; namely, the Monks of Tykeford. It happened, indeed, that the Vicars of Aston and the Monks of Tykeford were not always on the best of terms; and perhaps this was fortunate, at this time, for the men of Deritend and Bordesley. But there still remained the Bishop of the

* It has been hinted to me, that I may be misunderstood when reading, as I have uniformly done in "Traditions of The Old Crown House," Leland's phrase "a pretty street *or* ever I entered" (as it is found in Hearne's printed edition of his Itinerary) with the particle "as" instead of "or." It can only be a narrow and uninformed pedantry that can misunderstand this reading. Explanation seemed to me unnecessary. In well-known instances, the phrase "or ever" is occasionally used to express, solemnly, a lapse of time (e. g. Ecclesiastes, xii. 6); that is, simply instead of "*ere* ever." But Leland is speaking of *place*, not *time*. He could not be so ignorant as not to know that Deritend was part of Birmingham. Undoubtedly he here used "or ever" (if he wrote it "or") in the sense of "as ever;" a sense in which the phrase is still colloquially used in many parts of England.

diocese; and at this time ROBERT STRETTON, whom I take to have been a Birmingham man,* was Bishop of Coventry and Lichfield. It is not easy to judge how far he would be disposed to take part with the Vicar, or how far his sympathies would lie with the townsmen. He probably cared little, however, for the Monks of Tykeford.†

The negotiations seem to have been tedious; but men who are in earnest, and who are in the right, will generally carry the day if they quietly but firmly persevere. So it happened with our good fathers who had built themselves this new Church in Deritend. They at length succeeded in getting all they wanted. They did not object to let the Vicar's dignity be saved by the insertion of a preamble of specious reasons. They did not cut down the Vicar's income;—reserving to themselves, in return, the right of marriage and burial in Aston Church. But they secured to themselves and their children, for ever, the right of having divine service celebrated in the Church *which they had themselves already built, and by a Chaplain of their own appointment*, absolutely independent of the Vicar of Aston.‡

In the year 1381, a formal Agreement in writing was entered into: to which the parties were, the Monks of Tykeford; the Vicar of Aston himself; the Patron of Aston Church; the Lord of the Manor of Birmingham§; thirteen good men

* See before, p. 41.

† The Monks of Tykeford enjoyed some special favour. I have found a Papal Bull, promulgated and confirmed on their behalf, upon the Patent Rolls. Cases concerning them occur in the old Year Books. They were a settlement in England in connection with a greater monastery at Tours; which the old records that tell of them call by the one shortened word "Marmonstre."

‡ It will be seen, by the document that follows, that the Chaplain of Deritend has never been bound even to make the personal submission to the Vicar of Aston, which the incumbent of Pidington was bound to make to the Vicar of Ambrosden ("*obedientiam debitam faciet*") according to the terms of the original document in that case; and on which personal submission the good Bishop Kennett insisted so strongly. See "Parochial Antiquities," pp. 583, 599, 601.

§ The Lord of the Manor was party to this remarkable document, because of

and true of the inhabitants of Deritend and Bordesley; and the Bishop of the diocese. The original of this venerable document, unique in its date and kind among the records of English Church foundations, lies before me as I write *; and

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AGREEMENT TOUCHING THE CHOICE OF A CHAPLAIN TO OFFICIATE IN THE NEWLY-BUILT CHAPEL OF DERITEND, A.D. 1381.

Hec est composic̃o ꝛ ordinac̃o facta int᷒ Priorem ꝛ monachos Priorat᷒ bt̃e Marie de Tykeford jux[a] Nupertepaynell Lincolñ dioc᷒ eccl̃iam ꝑochialem de Aston jux[a] Birmynch[a]m Coventr̃ ꝛ Licĥ dioc᷒ in ꝑp̃os usus optinentes / monachos majoris moñ Turoneñ ad Romanā eccl̃iam nullo medio ꝑtinentꝫ subject᷒ jur̃ t̃ũ ꝛ suꝑiorietate Abb̃tiꝛ Con[tui] đci majoris

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his responsibility to the tenants of the Manor of Birmingham in Deritend. This responsibility, too often lost sight of by modern political writers on the feudal system, is thus expressed by Glanville, who wrote in the time of Henry the Second :—"Mutua quidem debet esse dominii et homagii fidelitatis connexio; ita quod *quantum homo debet domino ex homagio, tantum illi debet dominus ex dominio.*" (Lib. ix. cap. 4.) The Lord was thus bound to uphold all the rights of the tenants within his Manor. His seal was a strong assurance in such a remarkable case as the present.

* It gives a striking illustration of the superficialness of the higher sort of what is called "education" in our day, to find that, on 26th August, 1863, Sir William Armstrong, President of the British Association for the Advancement of Science, made, in his "inaugural address," the following statement :—"While so much facility is given to mental communication by new measures and new inventions, the fundamental art of expressing thought by written symbols, remains as imperfect now as it has been for centuries past. It seems strange that, while we actually possess a system of shorthand by which words can be recorded as rapidly as they can be spoken, we should persist in writing a slow and laborious longhand. It is intelligible that grown up persons who have acquired the present conventional art of writing, should be reluctant to incur the labour of mastering a better system; but there can be no reason why the rising generation should not be instructed in a method of writing more in accordance with the activity of mind which now prevails. Even without going so far as to adopt for ordinary use a complete system of stenography, which it is not easy to acquire, we might greatly abridge the time and labour of writing, *by the recognition of a few simple signs to express the syllables which are of most frequent occurrence our language.* Our words are in a great measure made up of such syllables as com, con, tion, ing, able, ain, ent, est, ance, etc. These we are now obliged to

it is a document of so much historical interest that, while I give a facsimile of it at the end of this work, I also put in type here the exact terms of it, together with an English translation.

TRANSLATION.

This is an Agreement and Ordinance made between the PRIOR AND MONKS OF THE PRIORY OF THE BLESSED MARY OF TYKEFORD nigh Newport-Pagnell in the Diocese of Lincoln, appropriators of the Parish Church of Aston nigh Birmingham in the Diocese of Coventry and Lichfield (who are subject Monks of Marmonstre, which belongs to the Roman Church with none between; the rights however and superiority pertaining in this behalf to the Abbot and Convent of the said

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write out over and over again, as if time and labour expended in what may be termed visual speech, were of no importance."

Not only did no member of the British Association for the Advancement of Science correct a statement so marked, but it was immediately followed up, in the "*Times*" Newspaper, by several letters in the same style, under the head "Shorthand and Longhand;" until, in a note inserted in that Paper on 11th Sept., I pointed out that the "longhand" is modern, and that the use of signs to express syllables was, in fact, the old practice. The document that is given above affords an example of the system of short writing that was formerly in use. But it was used in printed books as well as in writing.

Two hundred years ago, no English gentleman could have fallen into the strange mistake that was thus common to Sir W. Armstrong and his hearers in 1863. Greek and Latin were not then thought studies that could, alone, make any man a "scholar," or any man's education complete. "Education" is nothing better than a mischievous sham, if it does not teach Englishmen to understand the nature and the worth of the records of their own country—the stamped remains of the past life which we are continuing—at least as carefully as it teaches the relics of Greece and Rome.

It ought to be stated that, of the document that now follows, two translations have been made before, and copies of both are (by the kindness of Mr. J. W. Whateley and of Mr. William Hodgetts) in my possession. One seems to have been made in 1821, when a local Act of Parliament was being sought; the other (perhaps only a varied copy of the former) was inserted in a "Case," stated for the opinion of Dr. Jenner, in 1828, after the death of Mr. Darwall, who had then lately died, having long been Chaplain of Deritend. Neither of these translations seeming to me rightly to represent the original, I venture to give here a fresh one, together with the opportunity, now given for the first time, of a comparison with the original.

moñ qui nunc sunt vel imposꝑum erunt in hac ꝑte competentibꝫ exceptꝯ ꝛ in oᵐ̃ibꝫ semꝑ salvis / et dñm Ricñ Shobenhale ꝑpetuū vicariū ejusdm̃ eccl̃ie de Aston / ac dñm Joħem Buttort militem ꝓdči Prioratꝫ de Tykeford fundatorem ex ꝑte una / et dñm Joħem de Birmynchᵃm militem dñm de villa sive hameletꝯ vocaꝯ Duryꝫatehende jux[a] ꝓdicꝯ villā de Birmynchᵃm situaꝯ / ac Galfridū Boteleꝛ / Roƀtum Grene / Joħem Smyth / Willm̃ Jeffe / Thomā Holdon / Willm̃ Coup / Willm̃ Dod / Adᵃm Bene / Ricm̃ Bene / Simonē Huwet / Ricm̃ de Broke / Roƀtum fflaumvile / ꝛ Thomā Chattok / de ꝓdictꝯ vilł sive hamelettꝯ de Duryꝫatehende ꝛ Bordesley / ac ejusdm̃ eccl̃ie de Aston ꝑoch̃ / nᶜnon ceꝓos oᵐ̃es ꝛ singłos ꝑoch̃nos in dictꝯ vilł sive hamelettꝯ de Duryꝫatehende ꝛ Bordesley inħitantꝯ ex ꝑte alꝓa / de consensu ꝛ assensu veñ pr̃is dñi Roƀti dei gr̃a Coventr̃ ꝛ Lych̃ Eꝑi ejusdm̃ eccl̃ie de Aston diocesani /. In ꝓmis q̃d ꝓdči ꝑoch̃i in dictꝯ vilł sive hamelettꝯ de Duryꝫatehende ꝛ Bordesley inħitantꝯ heredes ꝛ eoꝝ successores ꝑꝓ fluvioꝝ nundacōnes ꝛ aliaꝝ viaꝝ discrimina inꝓ ꝓdcām eccl̃iam ꝑochialem de Aston ꝛ dictꝯ vilł sive hamelettꝯ de Duryꝫatehende ꝛ Bordesley longe distantes sepiꝫ ꝛ maxiē yemali tempe imminencia ꝛ contingencia ꝛ ne infantes iꝑas villas sive hamelettꝯ de Duryꝫatehende ꝛ Bordesley inħitantꝯ absq, solempnitate Baptismatꝯ ꝑire contingat imꝑpetuū ħebunt ꝛ inveniant sumptibꝫ eoꝝ ꝑꝑis unū Capłm ydoneū Deo ꝛ ꝑoch̃is vilł sive hameteꝯ de Duryꝫatehende ꝛ Bordesley ꝓdictꝯ inħitantꝯ divina officia ministratuꝛ ꝛ defunctuꝛ in qᵃdᵃm Capella in honore Sc̃i Joħis Baptiste iƀm infra dm̃iniū de Duryꝫatehende ꝓdicꝯ de novo constructa contiē et ꝑpetue celebratuꝛ /. Itm̃ inħitantes ꝓdci ħeant unū

Marmonstre which now are or hereafter shall be, being reserved and in all things always saved); and Sir Richard Shobenhale, perpetual Vicar of the same Church of Aston; and Sir John Buttort, Knight, founder of the aforesaid Priory of Tykeford; of the one part: And Sir John of Birmingham, Knight, Lord of the town or hamlet called Deritend standing nigh the aforesaid town of Birmingham; and Geoffry Boteler, Robert o' the Grene, John Smyth, William Jeffe, Thomas Holdon, William Couper, William Dod, Adam Bene, Richard Bene, Simon Huwet, Richard of Broke, Robert Flaumvile, and Thomas Chattok, of the aforesaid towns or hamlets of Deritend and Bordesley, and parishioners of the same church of Aston, and also all and every other the parishioners dwelling in the said towns or hamlets of Deritend and Bordesley, of the other part: With the consent and assent of the venerable father Sir Robert, by the grace of God Bishop of Coventry and Lichfield, diocesan of the same church of Aston. *Firstly*, that the aforesaid parishioners dwelling in the said towns or hamlets of Deritend and Bordesley, their heirs and successors,—because of the floodings of the streams, and the obstructions often, and especially in winter time, threatening and happening in the other ways between the aforesaid Parish church of Aston and the said far off towns or hamlets of Deritend and Bordesley,—and lest it should befall that the infants dwelling in the said towns or hamlets of Deritend and Bordesley for want of the rite of Baptism might perish for ever,—shall have and may appoint, at their own charges, one Chaplain fit to administer and discharge, before God and the parishioners dwelling in the aforesaid towns or hamlets of Deritend and Bordesley, divine services; which are always and for ever henceforth to be celebrated in a certain Chapel in honor of Saint John the Baptist there lately built within the Lordship of Deritend aforesaid. Moreover, the inhabi-

Baptistiū in eadm̃ Capella ad Baptizand om̃es et singłos pochnoꝫ pueros dictaꝫ villaꝫ sive hamelettaꝫ de Duryȝatehande ꝛ Bordesley inhitantꝭ ac Purificac̃ones matrū eoꝫdm̃ pueoꝫ ꝑ ipm̃ Capłm qui in dc̃a Capella ꝑ tempe fuit celebratuř / ac eciā ꝓdc̃i pochi om̃es et singłi dictaꝫ vił sive hamelettꝭ de Duryȝatehende ꝛ Bordesley infra pochiam de Aston ꝓdicť inhitantꝭ visitabunt dc̃am eccłiam suā pochialem de Aston in festꝭ Pasche Natał dñi Om̃i Sc̃oꝫ Dedicac̃onis ejusdm̃ eccłie de Aston Sc̃oꝫ Petri ꝛ Pauli ꝑx̃ post fiū nativitatꝭ Sc̃i Joh̃is Baptīe ꝛ Purificac̃onis bt̃e Marie V̄ginis ibm deo ac dc̃e eccłie de Aston tanq̄ᵃ matrici ꝛ pochi eccłie eoꝫ reddendo ꝛ solvendo om̃iodas decimas majores ꝛ minores ac oblac̃ones sicut ab antiquo tempe fecerunt eidm̃ eccłie ut tenentʳ / Itm̃ si ꝓdci pochi de Duryȝatehende ꝛ Bordesley essent infirmi vel aliquis eoꝫ infirmus qđ nō possunt laborař vel in articło mortꝭ qđ ꝓdicť vicař qui ꝑ tempe fuit aut ejus Capłus pochi non possunt bono tempe ꝛ optuno veniř tales pochos sic infirmos visitandi ꝛ sacrā ministrandi tunc ꝓfatȝ Capłs dc̃e Capelle confessiones ꝓdcōꝫ taliū pochnoꝫ audiat ꝛ eos absolvat sacramenta ꝛ sacramentalia si necesse fuit eis in forma jurꝭ ministret sic qđ ꝓdci pochi de Duryȝatehende ꝛ Bordesley đco vicario de Aston qui ꝑ tempe fuit vel Capłło suo pochiali semel in anno confiteantʳ ut de jure tenentʳ / Sic q̄ de om̃ibȝ ꝛ singłis supius noïatꝭ ꝛ exꝓssatꝭ nullū ꝓjudiciū eidm̃ matric̃ eccłie de Aston nec ꝓfatꝭ Priori ꝛ monachis aut eoꝫ successoribȝ vel ꝓdicť dño Ric̃o vicař aut successoribȝ suis in futuř gen̄etʳ / In quoꝫ om̃i ꝛ singłoꝫ fidem ꝛ testiom̃ ptes ꝓdicť sigilla sua alt̄natim ꝓsentibȝ

tants aforesaid may have a Font in the same Chapel, for baptizing all and every the children of the parishioners of the said towns or hamlets of Deritend and Bordesley dwelling there; and Churchings of the mothers of the same children shall be solemnized by the Chaplain of the said Chapel for the time being. And also all and every the aforesaid parishioners of the said towns or hamlets of Deritend and Bordesley dwelling within the parish of Aston aforesaid, shall visit their said parish church of Aston on the feasts of Easter, Christmas, All Saints, the Dedication of the same church of Aston, Saints Peter and Paul next after the feast of the Nativity of Saint John the Baptist, and the Purification of the blessed Virgin Mary; there rendering and paying to God and to the said Church of Aston, as to their mother and parochial church, all kind of tythes, greater and lesser, and oblations like as from old time they have done to the same church, as they are bound to do. Moreover, if the aforesaid parishioners of Deritend and Bordesley should be so ailing, or any of them so ailing, that they cannot work, or so near the approach of death that the aforesaid vicar for the time being or his parochial chaplain cannot come in good and seasonable time to visit such parishioners thus ailing, and to administer the sacraments, then the aforesaid Chaplain of the said Chapel may hear the confessions of such said parishioners, and may absolve them, [and] may, if necessary, administer sacraments and sacramentals to them in due form; the aforesaid parishioners of Deritend and Bordesley confessing to the said vicar of Aston for the time being, or to his parochial chaplain, once in the year, as of right they are bound to do. So that from all and every the things above named and set down, no prejudice may hereafter arise to the said mother church of Aston, or to the aforesaid Prior and Monks or their successors, or to the aforesaid Sir Richard the Vicar or his successors. In faith and testimony of all and every which things, the parties afore-

apposuerunt / Dat̃ apud Duryȝatehende p̄dict̃ xiij^{cio} Kł̄n Junij Anno dñi mill̄mo ccc^{mo} octogesimo primo / Et nos Robtȝ añdc̄us dei grã Coventr̃ ꝛ Licł̄ Epũs loci diocesanȝ p̄dce composic̄oi consensum nr̃m p̄bentes ꝛ assensum sigillum nr̃m p̄sentibȝ apponi fecimȝ in robur ꝛ firmitat̄ p̄missoꝫ / Dat̃ apud Haywode iiij^{to} Kł̄n Junij Anno dñi sup^{a}dc̄ŏ / et nr̃i Conŝ vicesimo pm̃o.

The terms of this remarkable document, show that the men of Deritend and Bordesley had taken up a thoroughly independent attitude, and that neither the Monks of Tykeford, nor the Vicar of Aston, nor the Bishop of the Diocese, thought it safe to resist their determination to have services and a chaplain of their own, entirely independent of the Parish Church of Aston. There is a striking contrast between the whole form and tone of this document and those of the one, of fifty years later date, which was printed in 1695 by Bishop Kennett.*

There can be no doubt, morally speaking, that the business of the important document thus "given at Deritend on the 20th day of May, A.D. 1381," was transacted in The Old

* The document touching Pidington (see the notes before, pp. 48, 53,) is in the form of a Decree issued by the Bishop, instead of being, as this is, a "composicio" between equal parties. That decree not only bound the chapel-priest (he is not honoured by the title "Chaplain," as in this case) to make personal submission to the Vicar, but bound the inhabitants to pay a sum of money and a quantity of corn every year as a tribute to the same Vicar, without any equivalent whatever. This is hardly the place to follow out this and similar comparisons. The reference to Kennett having been already given, it will be enough now to refer, in addition, to the Act of 7 Anne, c. 34, by which the Parish of St. Philip was erected in Birmingham, in 1708; and by which Act the new Parish is bound to pay to the Rector of old St. Martin's £15 a year, and to the Parish Clerk £7 a year, besides other liabilities. These facts are stated to show the questions that have always arisen when Parishes have been divided. Our Deritend fathers in 1381 seemed better able to grapple with all parts of the case, than men have usually been found able to do in more modern times.

said have put their seals one after the other to these presents. Given at Deritend aforesaid, on the 20th day of May in the year of our Lord 1381. And we Robert abovenamed, by the grace of God Bishop of Coventry and Lichfield, diocesan of the place, giving our consent and assent to the aforesaid agreement, have caused our seal to be put to these presents in assurance and confirmation of the premisses. Given at Haywode on the 29th day of May in the year of our Lord aforesaid, and of our consecration the twenty-first.

Crown House. From the "Gallorye Chamber" of that House, the new Chapel was, as its less picturesque successor still is, the most conspicuous object.

Four seals remain attached to the original document, as will be seen on the facsimile. Of these, the one nearest the left hand is the seal of the Monks of Tykeford; the next towards the right is that of the Bishop of Coventry and Lichfield; the next is that of Sir John Birmingham. The seal nearest the right hand is the seal representing all the inhabitants of Deritend and Bordesley, but it is the personal seal of Robert o' the Grene. This I am able to prove by comparing it with the seals attached to the ancient private Deeds that have come down to me together with The Old Crown House. I may therefore say, without presumption, that Robert o' the Grene thus stands before us, acknowledged by all the freeholders and inhabitants of Deritend and Bordesley of his own time, as well as by the Bishop of the Diocese and the Lord of the Manor of Birmingham, to be the man whose seal is to be accepted as a true and sufficient attestation to a record made in the name and on the behalf of all the inhabitants of Deritend and Bordesley. Such having been the case, it will be an interesting memorial of Old Birmingham to

give here an outline of this seal of Robert o' the Grene. His name will come before us more than once again.

It will be seen that an empty space is left between the seal of the Monks of Tykeford and that of the Bishop. When the document was executed, this space was unquestionably filled with the seal of the Vicar of Aston. The place for holding the strip of parchment on which the seal was put, and which passed through the fold in the parchment of the document itself, is plainly seen in the facsimile. It is certain that this seal was once in its place; and it is equally certain that it has been removed, not accidentally but designedly. It is physically impossible, from the way in which one end of the doubled strip whereon the seals are put is always split, and the other end passed through it before the sealing, that, even if the seal were ever so much broken, the double strip itself could have dropped out by accident. The inference is, that either Sir Richard Shobenhale himself or some successor of his, stirred to wrath by the attachment of Birmingham to the teachings of John Wyclif,—or, shall it be said, vexed at the seeming assent to the curtailment of his authority which the hanging of the Vicar's seal to this document gave perpetual record of,—found an opportunity, on some occasion when the document was produced in his sight, to cut away this seal. That the thing was done is certain; but the exploit was a very vain one; for Deritend Chapel has flourished ever since, not, it must be remembered (as has been sometimes loosely but quite incorrectly said), as a "*Chapel of Ease*" to Aston Church, but as an *entirely independent Chapel and incumbency;* whose incumbent, moreover, has always had, and still enjoys, the official title, not of "Curate," but, what is very rare in ecclesiastical foundations of this class in England, of "Chaplain."

Special attention must be called to the fact, that Deritend Chapel was not built, nor was any Chaplain ever appointed

to it, to say masses for the souls of those who were dead, as was the case with the before-named Free Chapel, and with the two Chauntries in old St. Martin's Church. The spirit of Piers Plowman and of John Wyclif being that which moved the founders of this Chapel, the character and functions of the Chaplain are put in the simple but emphatic words, that he was to be one "fit to administer divine services before God and the inhabitants of Deritend and Bordesley." John Wyclif himself might have dictated those words. It is not improbable that he did so.

Something must be added as to the Men of Deritend and Bordesley whose Names are thus honorably recorded. It will be seen that the greater part of them are now set down as having settled surnames of continuance, and not merely with descriptive surnames. In some instances, these are incorrectly given here; which is not to be wondered at, considering the number of distinct parties that had a hand in the document, and that the inhabitants of Deritend and Bordesley were anxious about the thing to be done, and were too wise to stop to trouble themselves about the spelling of names, well assured that, "where the persons appeared the same," no one "would fall out about misnomer."*

Robert o' the Grene's name is here written as if he had dropped the descriptive particles and taken the modern surname. This was not the case. He was a thorough Englishman, and he and his family clung to a name which, while in itself descriptive only, was, from its bearer's position, activity, and influence, more distinctive, and felt to be more genial, than any shortening of it would be. I am able to affirm that none of his family would ever allow the name to be travestied in Latin, as was so commonly done in case of other names.† I have many private deeds in which his name

* See before, p. 16, in the extract from Fuller.

† Persons bearing this name elsewhere in England, are found recorded in the

is repeated, for it occurs again and again through nearly one hundred and twenty years after this time; and, in every one of these, without exception, though all are in Latin, the name is spelled "*Robert o' the Grene.*"

Richard of Broke is also here incorrectly written. We have had the name before,* as "atte broke." It is a mistranslation into Latin of the very common English particle.

The names *Flaumvile* and *Couper* are instances of names out of which others have grown, through the common use of contractions in writing. *Flaumvile* would be often written "Flãvile," and *Couper* is, in this document itself, written "Coup." Hence have sprung the names *Flavell* and *Cope*, both of which are common Birmingham surnames.

For the rest, *Boteler* lives in the shapes *Botteley* and *Butler*; *Smyth* has exchanged the "y" for "i," except in a few cases of mere affectation; *Jeffe* lives as *Jeffs*; *Holdon* has become hardly disguised at all, as *Holden*; *Dod* lives in the shapes of *Dodd* and *Dodson*; *Bene* seems to have undergone the slight change of becoming *Benet*; *Huwet* remains, with the spelling *Hewitt*; *Chattok* has undergone even less change.

The Chaplain who was "had and appointed at their own charges," must have been supported, during the first year and a half, either out of a *rate* made among themselves by the

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LICENCE IN MORTMAIN, FOR THE ENDOWMENT OF THE CHAPLAIN OF DERITEND CHAPEL. A.D. 1383.

Ricardus Dei gracia Rex Anglie ⁊ ffrancie ⁊ Dominus Hibnie. Omnibꝫ ad quos ꝑsentes ℓre ꝓvenint Salutem. Sciatis

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Latin shape of "*de la grene.*" The name happens, by an odd coincidence, to be found in that shape in records relating to "Little Birmingham," in Norfolk. See before, p. 18.

* Page 29.

† P. 26. In cases where several persons joined to make an endowment, it was of course less necessary to delay for the inquiry, as the presumption was strong against any "loss and prejudice" through the individual gifts.

inhabitants of Deritend and Bordesley, or out of the insensibly arising but practically always large produce of the Offertory. But, having achieved the important ends of building their own Church and getting their own Chaplain, it seemed to some among them that it would be wise to provide an endowment for the permanent support of the Chaplain. So six of them joined together to make up an endowment which should produce at least ten marks a year, a handsome endowment for that time. Desiring to settle this endowment without delay, the Letters Patent containing the Licence in Mortmain were obtained at once, with the clause mentioned before† as being rare; the disinterestedness of the endowers being further marked by the fact that, in order to obtain this early, though only conditional, Licence, they went to the enormous cost, as it then was, of paying thirty-five marks as a fine, to cover any hypothetical loss of services due from the land granted by them in mortmain for this endowment.*

To complete the record of the facts as to the foundation and endowment of Deritend Chapel, I now put in type the exact terms of this Licence in Mortmain, together with an English translation of it, as was done in the case of the Agreement. A facsimile of the original Letters Patent is also given at the end of this volume.

TRANSLATION.

Richard by the grace of God King of England and France and Lord of Ireland. To all to whom the present letters may have come, Greeting. Know ye, that of our special grace we

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* On the Fine Roll of 6 Richard II. I have found the following, which I here print in full, without the contractions:—"*Warr.* Willielmus Geffon et alii dant triginta et quinque marcas, solutas in hanaperio, pro licencia concedendi eis quod ipsi certa terras et tenementa et redditus cum pertinentibus infra parochiam de Aston in comitatu Warr., que de Rege non tenentur in capite, dare possint et assignare cuidam capellano in quadam capella fundata et ordinata in hameletto de Duriyatehende infra parochiam predictam celebraturo, habenda ad manum mortuam. Teste Rege apud Westmonasterium. xx die Februarii."

qđ de grã nr̃a spãli concessimus ⁊ licenciam dedimus ꝑ nob̃ ⁊ heredib3 nr̃is quantum in nob̃ est Will̃o Geffon Thome Holdon Robto of the Grene Ricõ Bene Thome de Belne ⁊ Joh̃i Smyth qđ iꝑi terras ten̄ ⁊ redditus cum ꝑtiñ infra ꝑochiam de Aston in Com̃ Warr̃ ad valorem decem marcaꝝ ꝑ annū juxta verū valorē eoꝝdē que de nobis non tenent^r in capite dare possint ⁊ assignare cuidam Capellano divina quolibet die in quadam Capella fundata ⁊ ordinata in honore sc̃i Joh̃is Baptiste in hameletto de Duriyatehende infra ꝑochiam p̄dc̃am celebraturo. Hẽnđ ⁊ tenend eidem Capellano ⁊ succ^ cessorib3 suis Capellanis divina singulis dieb3 in Capella p̄dc̃a celebraturis imꝑpetuum. Et eidem Capellano qđ iꝑe t̄ras ten̄ ⁊ redditus p̄dc̃a cum ꝑtiñ a p̄fatis Will̃o Thoma Robto Ric̃o Thoma ⁊ Joh̃e recipe possit ⁊ tenere sibi ⁊ successorib3 suis Capellanis divina singulis dieb3 in capella p̄dc̃a celebraturis ut p̄dc̃m est imꝑpetuũ tenore p̄sencium similit̄ licenciam dedimus spãlem. statuto de t̄ris ⁊ ten̄ ad manū mortuam non ponendis edito non obstante. Salvis semꝑ capitalib3 dñis feodi serviciis inde debitis ⁊ consuetis. Dumtamen ꝑ inquisicões inde in forma debita capiend ⁊ in cancellaria nr̃a vel heredum nr̃oꝝ rite retornand comꝑtum sit qđ id fieri pot̄it absq; dampno seu p̄judicio nr̃i ⁊ heredum nr̃oꝝ ac alioꝝ quoꝝcunq;. In cujus rei testimonium has t̄ras ĩras fieri fecimus patentes. Teste me ipõ apud Westm̃ vicesimo die ffebruarij. Anno regni nr̃i sexto.

NEWENHAM.

ꝑ b̄re de privato sig̃ ⁊ ꝑ triginta ⁊ quinq; marcis solut̄ in hanapio.

have granted and given licence, for ourselves and our heirs, so far as in us is, to William Geffon, Thomas Holdon, Robert o' the Grene, Richard Bene, Thomas of Belne, and John Smyth, that they may give and assign lands tenements and rents, with the appurtenances, within the Parish of Aston in the County of Warwick, to the value of ten marcs a year [£6 13*s.* 4*d.*], according to the true value thereof, which are not held from us in chief, to a certain Chaplain who shall celebrate divine service each day in a certain chapel founded and appointed in honor of Saint John the Baptist in the hamlet of Deritend within the parish aforesaid. To have and to hold to the same Chaplain and his successors, Chaplains, who shall celebrate divine service every day in the aforesaid Chapel, for ever. And we have likewise given special licence to the same Chaplain, that he may receive and hold the lands tenements and rents aforesaid, with the appurtenances, from the before-named William, Thomas, Robert, Richard, Thomas, and John, for himself and his successors, Chaplains, who shall celebrate divine service every day in the Chapel aforesaid, as is aforesaid, for ever, according to these presents; the Statute passed concerning not putting lands and tenements into mortmain notwithstanding. Saving always to the chief lords of the fee the services thence due and accustomed. Provided that, by inquiries thereupon in due form to be made, and into our Chancery or that of our heirs rightly returned, it may have been found that this can be done without loss or prejudice to us or our heirs or any others whomsoever. In testimony whereof we have caused these our letters to be made Patent. Witness myself at Westminster, on the 20th day of February, in the sixth year of our reign.

Newenham.

By writ of privy seal, and for thirty and five marcs paid into the hanaper.

To these letters patent, the Great Seal of England is attached, by a bright red and green silken cord, in the usual manner. The memorandum as to the payment of the thirty-five marcs, is written in a different hand and with a different ink from what were used in the body of the letters patent. It was evidently added afterwards.*

It will not escape notice, that it is thrice repeated, in these letters patent, that the Chaplain is to perform service in the Chapel *every day*. This is not specified in the "Agreement" of 1381; but it was clearly the intention of the endowers to ensure that the Church which they and their neighbours had built should be every day open, so that any neighbour might be able, at any time, to find there fit opportunity for the sacrifice of thanksgiving and prayer.

Four of these endowers were certainly the same as four of

* The Rev. John Darwall, for many years Chaplain of Deritend, was a very careful and conscientious man. At the end of the Register Book of Deritend, he made a copy, on vellum, of both the Agreement and the Letters Patent above given,—oddly enough, however, transposing their order. This book is now in the hands of the Rev. W. Bramwell Smith, as Chaplain of Deritend; through whose courtesy I have made a *literatim* copy of Mr. Darwall's transcripts therein. I find, upon comparison of these transcripts with the originals, that there are some, and rather curious, inaccuracies in the transcripts; but it does not seem necessary to point these out. The facsimiles given in this volume are of course without appeal.

In the same Register Book, Mr. Darwall entered a Memorandum, under the date of 16th May, 1821, which still remains there, carefully attested by two witnesses, and recording that both the original documents were, on that day, put into the hands of Mr. J. W. Whateley for an official and very proper purpose, which is stated in the Memorandum. It seems strange that Mr. Darwall, who lived some years longer, should have let documents as to which he took such careful and proper precautions, remain uninquired after. Mr. Whateley fulfilled his duties; and, when they had been fulfilled, he did not retain the documents. Nevertheless, but for my own persistent search, these documents would unquestionably have been lost to history and to the town. Even the Bailiff of the Deritend Chapel Estates stated in writing, in October, 1863, that he "never heard" of these documents, and, when further pressed, that he could "find no trace of them"!! I forbear to touch upon the circumstances under which documents so remarkable have remained so long out of their right custody. For myself, I at least have done my duty in bringing the full knowledge of the documents themselves to all who care for what illustrates important historical events.

the men who took part in the Agreement of 1381; namely, *Thomas Holdon*, *Robert o' the Grene*, *Richard Bene*, *and John Smyth*. But I am much disposed to think, also, that the *William* "*Geffon*" of the former is the same as the *William* "*Jeffe*" of the latter. *Thomas of Belne* is new, unless this is, as I suspect it to be, a mere corrupt spelling (the sound remaining the same) of "*Bene*." It is certain that there was much carelessness in these matters.* On the original Letters Patent, now before me, the name of *Richard Bene* was at first written "Bever." This was so preposterous a blunder, in sound as well as in spelling, that when the Letters Patent reached Birmingham, an erasure was made on the place, and "Bene" was written instead; but the name remains "Bever" on the copy of the Licence that stands upon the Patent Rolls now in the Record Office.† "Belne" would sound too much

* A curious illustration of the uncertainty with which names were formerly spelled, is found in letters patent of 162 years later date than the letters patent now named, and which concerned a person whose power and influence make it strange that there should be found such uncertainty. The Manor of Birmingham was granted to John Dudley, Viscount Lisle, on 21st December, 1545. He was the grandson of the Lord of Lisle named in "Traditions of the Old Crown House," p. 51. A facsimile of a Deed touching The Old Crown House, to which the last-named Lord of Lisle and the famous Bishop Alcok were parties, is given in that volume. It might be supposed that the scribes would have known how to spell the name of a minister of Henry the Eighth, or at any rate that they would have kept to one spelling of it. Not so, however. I find that, in the grant itself, the name is spelled in the very different shapes of *Lysle* and *Lisley*, spellings that are the source of very different modern surnames, and that are quite as different as *Jeffe* is from *Geffon*, or *Bene* from *Belne*. Further on (p. 78) we find *Geffen* (not *Geffon*); which brings us nearly back to *Jeffe*.

† See before, p. 23. I took the name from the Patent Roll, when giving it in "Traditions of the Old Crown House," p. 46. I may mention here another instance of erasure that I have observed in a highly interesting document. In the oldest Charter of the City of London, granted by William I. (and quoted before, p. 24, *note*), the title of the Chief Officer of the City is written upon an erasure. There can be no mistake about the fact, though the late Town Clerk of London, when I once pointed out the fact to him, said that of course he could not officially acknowledge it. This erasure is curious. The title, as it stands, is "*portirefan*" (port-reeve). The common English title of the chief officer of places was then "*prafast*" (*profast*, *profost*, *provost*); and in all probability the scribe wrote this word first, by very natural mistake.

like "Bene" to attract attention when the Licence was read over to those whom it concerned. It is far less of a variation than is found in the instances given by Fuller.* The interpolated particle "of" ("de" in the Latin), would not be thought of any importance.

As the place *Newenham* is in Warwickshire, it will not be uninteresting to add, that the *Thomas of Newenham* whose surname attests these Letters Patent, is named in the Close Roll of the first year of Richard II., as one among three who were Keepers of the Great Seal of England at the time of the death of Edward III. A curious account is there given of what was done with the old Great Seal, and of the delivery to the Chancellor of a new Great Seal,—namely, the one of which the impression remains still attached to these very Letters Patent.†

The amount of the fine paid for the speedy issue of this Licence, gives proof of the wealth, as well as of the public spirit, of those who thus endowed Deritend Chapel in 1383.

It will be observed that, in these two documents, Deritend is spelled "Duryȝatehende" and "Duriyatehende." The correct spelling has been given and explained in the "Traditions of the Old Crown House." The sound of "Der-yat-end" is the same as that of the spellings found in these two documents. It is a curious coincidence, worth notice, that the syllable "Dur" should have crept in here; inasmuch as "dur" is Welsh for "water," and often appears in the names of English rivers; and so it might, on a superficial glance, be thought that "Duryȝatehende" expressed something of the position of the place on the river. But "Rea" is, be-

* Before, p. 17.

† "Qui quidem cancellarius," the record tells us, "eodem die, in capella sua, apud hospitium suum in vico de Flete Stret, Londini, dictam bursam aperuit, et dictum sigillum extraxit, et diversas literas patentes de diversis officiariis regni ibidem fecit consignari."

yond a question, the old name of this river, and not "Dur." "Rea" is a Gaelic word, expressing running water, and is also found as the name (sometimes a little disguised) of many rivers in England. As for "Deritend"—"Der-yat-end"—it remains the End nigh the "Deer-Gate."*

There are some circumstances connected with the later history of Deritend Chapel that may be instructively glanced at.

The fraud upon Parliament, under cover of which Gilds and other Bodies were robbed of their property, under false pretences, and in the much desecrated name of religion, at the beginning of the reign of Edward VI., in order to feed the rapacity of hungry courtiers, has been already described.† The endowments which maintained the Chaplain as well as the Gild of Deritend, were thus unrighteously confiscated, under the pretence (which it has been here shown was wholly untrue) that this was a Chauntry; although, inconsistently enough, this Chapel, more happy than the "Free Chapel of Birmingham," as will presently be seen, was left standing, and the services were continued here. The legalized plunder from which the whole town suffered so much, would be particularly felt in the case of this Chapel. Robbed of long-enjoyed sources of income, both Chaplain and Chapel became wholly a charge upon the inhabitants. It is no marvel, then, that

* This interpretation, stated in "Traditions of the Old Crown House," p. 45, has since received very unexpected confirmation. Mr. William Hodgetts informs me that he himself remembers the existence of a deer-park here, and has seen deer feeding in it, and that a large part of the wall of this park stood, at the time he speaks of, on the North side of Bradford Street. He specifically informs me that a "portion of the wall now forms a portion of the yard attached to the police station in Alcester Street and Bradford Street; and within my recollection, there were considerable extents of boundaries both in Bradford and Warwick Streets; and from the back yards of the houses, which no doubt had been built on portions of the park, the deer were frequently fed from the hands of the tenants." The conclusion at which I arrived from a comparison of ancient records, receives a curious confirmation in these recollections of one of the oldest, but most observant, of the inhabitants of the neighbourhood. The park no doubt reached, originally, to the limit prescribed by the Statute of Winchester. See before, p. 49.

† "Traditions of the Old Crown House," pp. 36–42.

decay gradually fastened on the old Chapel of 1375. I find that, exactly three hundred years after the Chapel was built (namely, in 1675), the Vicar General of Lichfield gave notice that repairs were needed. This seems to have stirred up a worthy man to imitate the example of those who had endowed the Chapel three hundred years earlier. On 21st August, 1677, HUMPHREY LOWE gave a messuage and lands at Rowley Regis to Trustees, to maintain the Chaplain and to repair the Chapel; an endowment which is still enjoyed and applied for those purposes by the successors of those Trustees.* Other endowments followed; but the helping hand came too late to save the old Chapel, round which clustered so many memories well worthy to be cherished with pride. Decay was thought, perhaps over hastily, to have gone too far for reparation to avail. And so, sixty years after the issue of the before-named notice for repair by the Vicar General of Lichfield, the original Chapel of Wyclif's time, of which the outward look has happily been preserved and is given at the front of this volume, was pulled down, and the now-standing Chapel was built in its stead.

And upon this occasion there took place a very noteworthy transaction, which stands out the more marked by contrast with the transaction of 1381.

Notwithstanding the formal adoption of the Reformation in and after Edward the Sixth's time, the cultivation of superstition seems so natural to some men that all sorts of artificial devices were gradually again invented by ecclesiastical officials, and some of them were carried to lengths never reached in Romish times, in order to impose shackles upon

* The words in which the original Deeds of this and other gifts describe the Chaplain, are the same, in spirit, as those of the Agreement of 1381. He is to be "a man of honest and sober conversation, fitly qualified for the constant preaching of God's holy word, and performance of such offices and services as ought, by a faithful minister of God's word, according to the Reformed Protestant religion, to be performed." See before, pp. 57, 63.

religious and clerical thought and action, and to interfere with the simplicity of Protestant worship. In 1375, the inhabitants of Deritend and Bordesley built a new Church because they chose to do so. In 1735, all sorts of mystifications about pretended "*Faculties*" were used, to throw dust in their eyes as to what they could do and what they might be allowed to do, in the way of repairing and rebuilding; and even as to setting up again the font, pulpit, and communion table, that had been used there by them and their fathers for more than three hundred and fifty years!—as if a "Faculty," put forth by a Bishop or his Vicar-General, could really have, in itself, any power whatever, by the Law of England, to make anything lawful or unlawful. In this case, however, these ingenious contrivances for converting superstition into a means of raising fees for officials (for that is the only real meaning or use of "Faculties"), did worse than raise mystifications.*

In the old Chapel all the seats were, of course, free and common to all the inhabitants of Deritend and Bordesley. For such is the Common Law and the ancient practice of

* "I call that a simple Licence or Faculty which does not in reality suspend or toll the obligation of a Law, but gives an operation thereunto, in order to render it effectual according to a certain mode or method *prescribed by Law*, . . . It ought to be accommodated to the intention of the Law." Ayliffe's Parergon, p. 221. This sound authority, whose work was published in 1726, and whose weight no one will venture to question, wrote too soon for it to be possible that the favorers of the ecclesiastical encroachments that have grown up in recent times, should find much comfort in his pages. The words now quoted are sufficient to stigmatize the "Faculties" that are mentioned in the text. The attempt made was, to override the actual Law, and to impose a new one that is wholly repugnant to the spirit and the practice of the actual Law. And the great law-upsetter and law-maker was the Vicar-General of a Diocese!

There is not a clergyman in England who has not known the weight of the fees extracted from him at different times. They have as much lawfulness as these "Faculties,"—and no more. At the end of Ayliffe, and also between pp. 134 and 135 of every complete edition of Sparrow's Canons, will be found a table of fees; which those who have any curiosity to see what modern ecclesiastical extortion can do, in the face of plain Law, will usefully examine.

England as to the seats in every Parish Church; and Deritend Chapel is a Parish Church so far as Deritend and Bordesley are concerned. "The Church is in common for every one: wherefore, it is not in reason that one should have his seat and that two should stand; for no place is more for one than for another."* "The body of the Church is common to all the inhabitants."† "And indeed, before the age of our Reformation, no Seats were allowed, nor any different apartment in a Church assigned, to distinct inhabitants; but the whole Nave or Body of the Church was common; and the whole Assembly, in the more becoming postures of kneeling or standing, were promiscuous and intermixt."‡ "If we look into all our churches, we shall see thousands or hundreds of people jointly resorting to God's public ordinances, worship, sacraments, celebrated in them; yet varying from each other in their dignities, sexes, ages, callings, conditions, estates, vestments, attires, fashions, features; yea private opinions, voices, corporal gestures; some of them sitting in seats, others in galleries, others on forms; others standing in allies [aisles]; here men and women, there old men, young men and women, sitting or standing apart from each other; some praying standing, while others kneel; others praying, reading, singing, with an audible voice, though differing in tones or tunes from each other, like pipes in an organ, or strings in a lute; yet all making sweet melody and harmony in God's ears, and but one congregation."§

But "Richard Rider, Esquire, Batchelor of Laws, Vicar-General of the Diocese," knew much better than all this. He would by no means have approved the noble answer given by the Barons of England in the old time, when the eccle-

* Year Books, 8 Henry VII.

† Lord Coke's Reports: Vol. 12, p. 105. (Corven's Case.)

‡ Kennett's Parochial Antiquities, p. 596: ed. 1695.

§ Apology for tender consciences conforming to Public Liturgy, etc.; by William Prynne (A.D. 1662)

siastics of that day wished to persuade them to agree to mischievous encroachments upon the free Law of England,—though that attempt was, at any rate, made in open Parliament.* On the 26th day of June, 1739, he issued a "Faculty" to set aside the Law of England, and to impose "Charges upon the People," at the mere will and pleasure, and by the sole authority, of him, Richard Rider. He put forth his edict that pew rents should thenceforth be demanded and enforced for some of the seats in Deritend Chapel. But it is very instructive to observe, that even this trader in "Faculties" (a trade not unlike the older trade in "Indulgences") had some twinges of conscience. The new chapel covered all the ground covered by the old Chapel, and some more besides. So this precious "Faculty" declares that where, in the old Chapel, the inhabitants of Deritend and Bordesley had sat free, there, in the new Chapel, they should continue to sit free as aforetime; but that rents should be demanded, and the payment of them be enforced, for certain enumerated lists of seats that lie beyond the magic margin of the ground thus hallowed by the free spirit of the older time.†

I know not of a more thorough or more striking example able to be produced, of the contrast between the real freedom of our older institutions, and the hollow pretentiousness of much that is vaunted in modern times as "progress." No comment is needed. It is enough to quote the apt remark made by Lord Tenterden in the case of some other less mischievous

* "Et omnes Comites et Barones una voce responderunt, quod nolunt leges Angliæ mutare, *quæ hucusque usitatæ sunt et approbatæ*." Statute of Merton. See Lord Coke's Second Institute, pp. 96–99.

† As representative of founders of the original Chapel of Wyclif's time, my own right and that of my ancestors to seats within this magic margin has, of course, been always undisputed. I find indeed the particulars entered, with minute care, in old memoranda. I call attention, therefore, to the subject now, not as having any personal interest in it here, but as involving a matter of vital public principle, on the maintenance of which the very existence of a Church of the People, beloved and respected, must depend.

Faculties, which were pleaded before him in his judicial capacity. "*It is clear*," said that eminent Lord Chief Justice, "*that these Faculties have no validity in Law.*"* The misfortune is, that they succeed in deceiving many people into a belief in their validity.

Passing now from transactions that reflect so much honour on our Birmingham fathers of Wyclif's time, and the direct benefit of which is still being reaped by their successors after the lapse of nearly five hundred years, some transactions of a few years later must next be glanced at, from which also the town still reaps, in part, though not in the same direct manner, a present benefit.

It seems that what was doing in Deritend, roused some other men in the Borough to wish for the presence of the new religious life in the upper town, instead of, or at least in addition to, the daily routine that was perfunctorily gone through in old St. Martin's Church. To meet this wish, a Licence in Mortmain was, on 25th October, A.D. 1382, obtained by THOMAS of SHELDON, JOHN COLLESHULL, JOHN GOLDSMYTH, and WILLIAM ATTE SLOWE [*sic*], to enable the endowment by them of two Chaplains who should celebrate divine service daily [*divina singulis diebus*], "in honour of God, our Lady his mother, Holy Cross, Saint Thomas the Martyr, and Saint Catherine, in the Church of St. Martin of Birmingham." But these good intentions never really took effect. They were let sink down to form part of the great tessellated pavement that lines the floor of a place very different from our good old St. Martin's. Ten years later, however, the matter was taken in hand by the town itself, in its Corporate capacity; and on the 10th July, 1392, a Writ *ad quod damnum* was, upon the motion of the Bailiffs and Commonalty,† issued to THOMAS RALEGH, then Escheator of

* Golding *v.* Fenn, Barnewall and Cresswell's Reports, vol. 7, p. 781.

† "*Communitas*"—for which the correct English equivalent is "*Commonalty*"

the County. This writ, from which I now copy, recites the Licence of 1382, as having been granted to "THOMAS SHELDON, since dead, JOHN COLLESHULL, JOHN GOLDSMYTH, and WILLIAM ATTE SLOWE [*sic*], *Burgesses of the Town of Bermyngeham ;*" and that "now the Bailiffs and Commonalty of the said town of Bermyngeham have prayed us that, in exchange for the said Licence, which never took effect, as they say, we would grant to them Licence that they themselves, in honor of the Holy Cross,* may make and found a GILD and perpetual Fraternity among themselves in that town, of bretheren and sustern,† as well men and women of the said town of Bermingeham as men and women of other towns and of the country who are well disposed towards it, and may make and appoint a Master and Wardens of the said Gild and Fraternity, who shall have rule and governance of the same‡;" and also that a Chauntry may be founded, and that "other works of charity" [*alia opera caritatis*] may be done,§ "according to the appointment and pleasure of the said Bailiffs and Commonalty;" and that JOHN COLLESHULL, JOHN GOLDSMYTH, and WILLIAM ATTE SLOWE [*sic*], may grant and assign, to the Master and Wardens of the proposed Gild, eighteen messuages, three tofts, six acres of land, and forty shillings of rents, in Birmingham and Edgbaston. The Writ then directs

—is the corporate title and description of a place. A City or Borough is, in its corporate capacity, a "communitas:" so is a County. This is the name found on all ancient seals, and throughout the ancient Rolls of Parliament. As none but "Communitates" sent Members to Parliament, the Representative House became called the "House of the *Commonalties*"—shortened into "Commons." It is essential to a true knowledge of English history, thoroughly to understand that "communitas" expresses a corporate municipal existence, and that the English equivalent of the word is "commonalty." It means a *real thing*, not any fanciful *theory*. See the description of the "*Mark*," quoted in the note to p. 6.

* See "Traditions of The Old Crown House," p. 32, as to Gilds dedicated to Saints.

† See "Traditions of The Old Crown House," pp. 31, 38.

‡ Compare extracts as to Gild of Exeter, in "Traditions of The Old Crown House," p. 30.

§ These works included roads, bridges, etc. See "Traditions of The Old Crown House," p. 38, 39.

that Inquiry shall be made, in the usual manner, whether all this can be done without loss or injury to any one, or to the Country.*

The Inquiry was accordingly made in Birmingham, on the Saturday next after the feast of Saint Peter ad vincula (1st August), 1392, by a Jury consisting of the following persons: —Richard Sheryngton;—Robert o' the Grene [*sic*];—Thomas of Wyrley;—John of Wyrley;—John Spycer;—David Verdon;—Richard Boteller;—John Phelipp;—William Geffen;—Lawrence Sturmy;—John Barber;—and, Thomas Phelipp.

The Jury found that the formation and endowment of the proposed Gild would not be any injury to any one. They went on to say, that sixteen of the messuages, the three tofts, and the forty shillings of rents in Birmingham, were held, by the intending donors, of the heirs of John of Birmingham, Knight;† and that those heirs held of Isabella, Lady of Dudley, who held of the King; and that the two other messuages were held of John Warde, who held of the heirs of John of Birmingham, Knight, who held as before; and that the six acres of land in Edgbaston were held of Thomas of Middelmore, who held of the heirs of John of Birmingham, who held of Hugh Burne, who held of the King; and that all the intending donors had other property (which is enumerated), beyond what was proposed to be then granted away; and that thus the discharge of the services due from each of those intending donors would be fully secured, and so the Country would not be in any way charged or burdened more than has been wont.

The Licence in Mortmain was accordingly granted, to the Bailiffs and Commonalty of Birmingham, to establish the

* See before, p. 25.

† The same who joined in the Agreement for the settlement of matters as to Deritend Chapel.

Gild of the Holy Cross.* The Borough paid £50 for it to the Crown. Thus that Gild became founded, seventeen years after Deritend Chapel had been built. The Hall of the Gild was built in New Street, where the Free School now stands.

None of the names mentioned in the course of these proceedings seems to need special remark beyond what has been already made: but it will be observed, that fresh names come up on every fresh transaction; thus again showing the number of substantial freeholders that formed part of the population of Birmingham in those early times.

But this case gives a striking illustration of the astounding blunders made in the Reports of the Commissioners of Henry VIII. and Edward VI., which I have been obliged to remark before.† On matters of historical fact, these Reports can never be trusted, in the slightest degree, unless collaterally confirmed; though they are of course valuable when they contain admissions of states of things that tell in favour of the endowments that they were appointed to condemn.‡ The Commissioners of 37 Henry VIII. reported that this Gild of the Holy Cross was founded "in the xvjth yere of Kyng Edward the seconde;" the Commissioners of 1 Edward VI. reported that it was founded "in the xvjth yere of King Henrye the seconde." The true regnal year was, the sixteenth of Richard the second.

A great affray took place in Birmingham not very long after the foundation of the Gild of the Holy Cross.§ What particulars are recorded about this affray, are found on the Rolls of Parliament. The proper place to enumerate the Men and the Names concerned in it, seems therefore to be,

* The most important operative words are these:—"Licenciam dedimus, quantum in nobis est, eisdem Ballivis et Communitati, quod ipsi, in honorem sancte Crucis, facere possint et fundare unam Gildam et Fraternitatem perpetuam."

† "Traditions of The Old Crown House," pp. 41, 42.

Of this, the passage quoted on pp. 38, 39, of "Traditions of The Old Crown House" is one example. Some others will presently be cited.

§ See "Traditions of The Old Crown House," p. 48.

between the statement of affairs as to which I have drawn illustrations from the Patent and other Rolls and Records of a public character, and the enumeration of some of the Men and Names that are to be found in private Charters.

It was on Saturday in the third week before Easter, in the year 1431, that this affray happened. The parties to it were clearly marked, as the Beauchamp party and the Burdet party. And it was upon Joan, the Lady of Bergevenny, that all the blame was cast, and not upon those who waxed warm in this affray on her behalf. At the same time, it is clear, from the names recorded, that it was an affray in which many of the better class of the burgesses of Birmingham took part. The following are immortalized as leaders of the two hostile arrays.

THE BEAUCHAMP PARTY.	THE BURDET PARTY.
William Lee.	Thomas Peynton.
Henry Brokesby.	Richard Arblastre.
Henry Fylongley.	John Cutte.
John Ryder.	John Glover.
Thomas Russell.	William Squyer.
John Seggesley.	John Cooke.
Meredith Walshman.	John Fraunceys.
Thomas Fauconer.	William Stretton.
Thomas Yerdeley.	Hugh Roggeres.
John Loudham.	John Penford.
John of Wyrley.	Richard formerly servant of Richard Walrond.
Henry Cooke of Weoley.	John Necheles.
Alexander Shefeld.	John Lord.
John Chewe.	"and others more" [*& plures alios*].
John Morys.	
"and many others" [*& multi alii*].	

Very few of these surnames are other than surnames of continuance. But neither list can be read without its being seen how many of them are merely taken from neighbouring

places, though the particle "of" has, in most cases, now gone out of use. There is one instance, the first yet met with, of a *double* surname, — showing how thoroughly established family surnames had now become. *Henry Cooke of Weoley* is a step towards the modern use of "additions." A few years before, he would have been called "Henry of Weoley." But the name "Cooke" had become a family surname, and a further means of distinction was found necessary. On the other hand, *Meredith Walshman* is very plainly *Meredith the Welchman.*

Thomas Peynton introduces us to the family now known as *Peyton.* The latter name has, no doubt, like *Flavell* from *Flaumvile*, grown out of an ordinary form of contraction, *Peynton* having been often written "Peȳton."

The name of *Richard formerly servant of Richard Walrond*, gives an example of a source of surnames of which no instance happens to have arisen here before, but which is by no means uncommon. It was in truth, however, the same thing as taking a surname from an office held, of which an example has been seen in the case of Peter Dapifer.* Retainers were often proud to take for a surname the name of him whom they served; and this the rather that, in England, though they thus served another, they remained themselves free; a condition of things upon which Lord Bacon specially remarks, in his Essay "On the true greatness of Kingdoms and Estates," as being "almost peculiar to England."

I have already stated that a rich mine, whence to bring forth to light again the Men and the Names of bygone times, is to be found in the older class of Deeds, or "Charters" as they are called.† Having brought to light many of the Men and the Names of old Birmingham who lived through an early century and a half of what people call the "Middle

* See before, pp. 18, 32. † See before, p. 11.

Ages," by the use of documents of a public character, I will now illustrate an equal length of time by the use of private Charters. Being in possession of a series of such Charters and other private documents relating to Birmingham, from the year 1401 down to the present time, I could give something like a traditional Directory of the freeholders. But I will now only make from these a few selections, enough to illustrate (1) the transmission of names in the town from generation to generation, and (2) the rise, from time to time, of fresh names which still are or lately were well known here.

The names found in the Charters selected for illustration here, bring up several points in the history of surnames that deserve attention: for example, the manner in which sons were described during the lifetime of their fathers; the growth of the use of further means for distinguishment, when any settled surname had become common; the use of an "*alias*" to bring in a second surname, in order to secure (not, as now, to prevent) identification; the gradual introduction of "additions," that is, of the statement of the occupation of a man, over and above his surname, and not, as of old, to constitute the surname; and, the changing forms of older names.

The earlier Charters which I shall use, will make some men and names re-appear that have already become familiar. I quote these in order that the living series of old Birmingham men and names may be kept continuous, from the earliest time that I have touched upon down to the time where I shall cease.

CHARTER OF 1401.

William Gest.
Richard of Madeley.
Robert o' the Grene.
Roger Smyth.
Ralph Gamull.
John *son of* Thomas Holdon.
Thomas *son of* Robert o' the Grene.
Walter Bromwych.
Philip Shynglar.
John Shynglar.

CHARTER OF 1404.

RICHARD OF MADELEY.
ROBERT O' THE GRENE.
WILLIAM GEST and JOAN his wife.
THOMAS HOLDON.
JOHN COUPER.
WALTER BROMWYCH.
JOHN HOLDON.
THOMAS O' THE GRENE.

CHARTER OF 1419.

WILLIAM PORTER.
JOHN SMYTH *son of* ROGER SMYTH.
JOHN ACTON.
THOMAS LOKYER.
ROGER SMYTH.
JOHN COUPER SMYTH.
RALPH GAMULL.
JOHN COUPER COUPER.
WILLIAM PACH [the modern *"Patch,"* and perhaps *"Page"*].

In the last case a surname has, on the marriage of a daughter, become prefixed to the children's true surname; and then, to prevent mistake, two cousins get each three names;—*John Couper Smyth*, and *John Couper Couper*. This is not common at this early time.

CHARTER OF 1421.

THOMAS MYCHELL.
WILLIAM SMYTH *son of* ROGER SMYTH.
WARIN OF MADLEY *son of* RICHARD OF MADLEY.
THOMAS *son of* WILLIAM GEST *alias* WILLIAM TOLYMOLY.
ROGER SMYTH.
JOHN COUPER SMYTH.
JOHN HOLDON.
JOHN SEGGESLEY.
JOHN *son of* ROGER SMYTH.
JOHN ACTON.
WILLIAM GEST.

CHARTER OF 1426.

WILLIAM RYDWARE, *Master* of the GILD of the HOLY CROSS.
WILLIAM PORTER and AGNES his wife.
WILLIAM WATERBALL.
JOHN MERSH.
THOMAS LAYFORDE.
THOMAS BERNABROKE.
JOHN GOLDESMYTH.
JOHN PHELYPS CHALONNERE.
JOHN ATTE MERSH [*sic*].

In the name written *John Phelyps Chalonnere*, it would seem that the true name was *John Phelyps* (a name we have had before), and that "Chalonnere" was his occupation. It

is not clear what a "chalonnere" meant. Probably it had something to do with being master of a ship or boat.* It may be thought unlikely that this should be so in a midland county; but it is remarkable that Warwick itself found boatswains for the king, by ancient custom, as we learn from the Domesday Book†; and an instance of another Warwickshire master of a ship will presently be named.

The next group of Charters that shall be taken, gives two names met with a century earlier, changed into their more modern forms;‡ while most of the fresh names that now arise, have forms familiar to this day.

CHARTER OF 1476.

Thomas Geste.	Richard Ball.
Richard Andrewes.	John Flavell.
Robert Swyfte.	William Benet.
Richard Smyth.	Roger Pepewall.

CHARTER OF 1494.

Humfrey Bawdryk.	Humfry Shapley.
Henry Shylton.	William Benett.
Sir William Berkeley.	Thomas Vyterre [the modern "*Fitter*"].
Thomas Redhill.	
John Lenche.	

Four years after the date of the last-named Charter, there began a suit at Law between some Birmingham men, which, bringing before us two names found in that Charter, introduces us also to two of the practising Attorneys of the time. Indeed, all the names mentioned in it have either been already met with or will presently be so. All are genuine Birmingham names.

I find by the original contemporary Roll of the Court of Common Pleas, that, in Easter term A.D. 1500, Richard

* Ducange, II., p. 322 (ed. 1842). But see Chaucer's Reves Tale, *l.* 4138.

† See the passage quoted in *Parliamentary Remembrancer*, vol. v. p. 190.

‡ See before, p. 64.

FENTON, who was a Priest, brought an action of trespass against JOHN SHELDON [the same name as *Shylton*, *Shilton*, *Shelton*, etc.] and HUMFREY BAWDRICK [the "Bawdryk" of the last-quoted Charter]. RICHARD FENTON appeared "by JOHN BOTELER, his attorney," and stated his grievance. JOHN SHELDON and HUMFREY BAWDRICK answered "by HUMFREY SYMONDES, their attorney." In point of fact, it was a dispute about the ownership of certain property in the town, consisting of several Houses, but known by the common name of "THE NEW-WINE-CELLAR" [*unum solarium vocatum le Newe-wyne-seler cum pertinentibus in Byrmyngham predictam, continens in se diversas domos.*]

It must always be remembered, in looking at both the foregoing and the following examples, that it is the *sound* of a name that is the test of identity, and not the *spelling*. Very often, many different spellings of the same name are found in the same document.*

CHARTER OF 1517.

HENRY SHYLTON.
JOHN ROGERS.
THOMAS HASTURLEY.
RICHARD RUSSELL.
SIMON RYDERE.
BALDWIN BROKE, *Master* of the GILD of ST. JOHN THE BAPTIST of DERYTENDE.
RALPH FOREST.
WILLIAM SIMONDES.

In the Lease of 1518 from Edward Birmingham to John Rogers, of which I have published a facsimile,† there are found the names of "ROGER FOXALL, hy beyly off Brymycham for þ^t yere; WILLIAM NICCOLS odyrwise cald HERCH, constable off the same; RYCHARD SWYFT off the same." In the Charter of sale of the same property, in 1524, there are found the names of JOHN LOCOK, *Master* of the GILD

* See the examples of *Lysle, Lisley;* and *Prety, Praty, Pretie;* pp. 69, 89.

† At the end of "Traditions of The Old Crown House." The name "Rogers" has already been found, under the disguise of "Roggeres," among those who took part in the affray of 1431. See before, p. 80.

of the Invention of the Holy Cross; Humfrey Symondes; and William Symondes. A few years later bring other fresh names before us.

CHARTER OF 1529.

John Rogers.	John Greve.
Thomas Hasturley.	William Hawkes.
Thomas Greves at the Horestok.	Maurice Byddyll.
	Henry Osburne.
Ralph Forest	Richard Russell.
Ralph Broke.	Thomas Byhull.

The name of *Thomas Greves*, with the descriptive addition "at the Horestok," recalls those early names of "atte wood," "atte holte," "atte gate," "atte chapel," etc., which had now long since ceased to appear in this form. But it was found necessary, for the same purpose of personal distinction as begat those older names, to bring in again a form very much the same.

The name of *William Hawkes* deserves notice, as an example of the same Christian and Sur-name handed down, from generation to generation, through several centuries, and then expiring. It is not yet a matter of years, it is barely a few months, since the death of Mr. William Hawkes, the lineal descendant of this ancient freeholder, and well known as the principal in the works of the Eagle Foundry in Broad Street. And from the first *William Hawkes* to the last, the name has remained a constant combination.*

Hawkes, *Hawkesford*, and *Hawkesley*, are all Warwickshire names.† An earlier *Hawkes* showed a sort of enterprise that

* My father bore the name of "William Hawkes" for Christian names, derived from the same stock, and in the same lineal degree, as the late Mr. William Hawkes.

† Hawkes and Hawkesford intermarried, both sides being freeholders in Birmingham. (See "Traditions of The Old Crown House," p. 54.)

I think none of the family have since shown in the same manner. JOHN HAWKES was Master of a ship called "The Trinity." Early in 1383, he brought over in that ship one RICHARD WALSSH, a priest, from Ireland to England. This was a bolder undertaking then than it would be now. It was a direct breach of the Law; and JOHN HAWKES had to obtain a formal pardon from the Crown for the offence, in order to save his ship from forfeiture. The pardon, which he succeeded in obtaining, remains still duly recorded on the Patent Rolls.

A charter of a few years later brings up some fresh facts of interest.

CHARTER OF 1551.

RICHARD SMALBROKE.	JOHN BETWICHE.
WILLIAM PAYNTON.	MORRIS BLOCKSICHE.
JOHN FETHERSTON.	JOHN NEWHAY.*
THOMAS FETHERSTON.	RICHARD DONNE.
WILLIAM WALKER, *Tanner*.	

Here we find the occupation distinctly stated, in the case of *William Walker*. In a Charter of six years later date, I find RALPH BROKE, *Scythe-smith;* THOMAS KENDALL, *Miller;* and JOHN FOXE, *Cutler;*—the occupation now becoming often thus stated. The same Charter records the names of SMALBROKE and SYMONS as Attorneys, apparently in partnership. In another of the same year, occurs the name of THOMAS MARSHE *alias* MYCHELL.

A curious illustration is given, in the Charter of 1551, how, though many names have undergone very fantastic changes in spelling, and even often in sound, some odd ones have kept all their sound and nearly all their spelling unchanged. *Betwiche* has probably changed into the name now known as *Bettridge;* but *Blocksiche* has been preserved

* See before, p. 41.

wholly unchanged in sound, and with only a slight change of spelling, as *Blocksidge.**

CHARTER OF 1586.

THOMAS FETHERSTON, *Furbearer.*
JOHN DYCKSON *alias* BAYLEYS.
JOHN BILLINGSLEY.
GEORGE WELCHE.
RICHARD ROTTON.
RICHARD FORRESTE *son of* WILLIAM FORRESTE.
THOMAS JESSEPPE.
RICHARD WELCHE.
EDWARD HAYBERD.

CHARTER OF 1589.

EDWARD RASTELL, *Draper.*
JOHN SHILTON, *Mercer.*
THOMAS AFFEELDE.
WILLIAM BOTHE *Jun^r^.*
THOMAS ALLICOCKE.
JOHN JONES.
EDWARD RABONE.

The last of these Charters mentions names of places of old importance in the town, but which have now become forgotten. We are taken back to the buildings called "*Wellyarde,*" in the street called "*Corne Chepinge alias Corne Market,*" and near to "*Mercers Streete*" and the "*Easteyarde.*"

The names thus found in the Charters selected for the present illustrations, are all of them, with rare exceptions, those of men who, besides being indwellers in the town, were also freeholders there. I will now give the names of some of those who happen to have been recorded, under extraordinary circumstances, as tenants and indwellers, though unquestionably several of them were freeholders also. Some of the documents which I shall quote for this purpose, have

* This name is found in West's Directory of 1830. I think West's Directory the safest of the modern ones for the present sort of comparison, as it was a tolerably full one made before whatever changes have been brought about by Railway communication. A very interesting Directory is that of Pearson and Rollason (A.D. 1780), for the loan of which, with several others, I am indebted to the kindness of Mr. Samuel Timmins. I have taken the trouble, in every case, to trace the old names through the modern Directories; but it would have seemed pedantic and tedious if I had encumbered these pages with the results.

a further special interest; inasmuch as they throw much light both on the old divisions of the town of Birmingham, and upon the old names of different places in it, whence many modern streets have, though it is not commonly suspected, taken their names.

On the 11th October, 1532, EDWARD BIRMINGHAM granted a remarkable Lease to JOHN PRETY,* of the Properties, and for the Terms of years, and at the Rents, that follow:—

EDWARD BIRMINGHAM, Esquire, TO JOHN PRETY, Geñ [*sic*].

"WATER MILL to grynde corne, callid HETH MILL . . . with the water course & all customes . . . wythin the lordeship of Bremycham & within the parisshe of Aston;" and

Lands "callid the CONYNGRY, wiche ROGER REDILL nowe occupieth;"

For ninety-nine years; at the rent of £6. 13*s*. 4*d*. a year.

"Medowe lying nygh to the said Mill, which is callyd the LAKE MEDOWE, in revercion of one JOHN DRAPER;"

For ninety-nine years; at the rent of £6. 13*s*. 4*d*.

"The revercion of an other pasture the whiche one WILLIAM RUSSELL now holdeth, . . . callyd DODWALLS;"

For ninety-nine years; at the rent of £1. 6*s*. 8*d*.

"Th' ADVOWSON of PARSONAGE & BENEFYCE of the CHURCHE of SAYNCTE THOMAS THE MARTYR in Bremycham, called the parsonage of the priory, . . . to geve & to assigne immedyately after the decasse or resynacon of one SYR EDWARD TOFTE nowe being parson there;"

During the terms of years before named; no rent, but a fine of £20. 0*s*. 0*d*.

This Lease is witnessed by RAUF WARLEY, GEORGE GERMAYNS of YARDELEY, JOHN SMALBROKE, JOHN GEFFRIES, and SYMON HEGEYNS.

The corn mill named in this Lease, is the mill whence Heath Mill Lane takes its name. There was, besides this, a malt mill belonging to Edward Birmingham, of which we shall hear presently. Mills were generally a very profitable

* Spelled also, in the same Lease, "*Praty*" and "*Pretie*."

part of manorial property, and sometimes a very harsh use was made by Lords of Manors of their ownership of mills. But Edward Birmingham was clearly an enlightened man. For he had already, on the 10th May, 1525, made an agreement with Thomas Holte, Lord of Aston,* that the farmers and millers of the mills of Aston might "feche cary and recary al maner griste and corne of al maner greyn" for any tenants that pleased to employ them in Birmingham, and that the farmers and millers of the mills of Birmingham might do the same for the tenants of Aston. There is a liberality and enlightenment about this arrangement that must be rather startling to those who live in the faith that sound Political Economy is a modern discovery.

But the "parsonage and benefice of the church of St. Thomas the Martyr":—what was that, and where is it now? In the year 1532, it was a regular Church within the town, the advowson of which belonged to the Lords of Birmingham. This Church is what is elsewhere called the "Free Chapel." The Priory of Birmingham was dedicated to St. Thomas the Apostle: this "Free Chapel" or Church was dedicated to St. Thomas the Martyr. It was an altar in this Church which became the subject of an endowment in 1350.† It was a Church much resorted to; for the Commissioners of Henry VIII. have themselves put it upon record that, in 1545, long after the date of this Lease, "the inhabitans of the same [town] dothe muche resorte to the same chapell for dyvyne servyce." But now, the very place thereof knoweth it no more. Not one stone stands upon another of a Church that was formerly one of great resort; which was regularly endowed; which was a recognized benefice, and

* The Lordship of Aston did not include all Aston Parish. On the other hand, the Lordship of Birmingham reached, as has been seen, far beyond Birmingham Parish, into Aston and Edgbaston.

† See before, p. 39, etc.

had a regular parson; and the nomination to the parsonage of which was an advowson forming part of the property of the Lord of the Manor.

The good men of Deritend, the early but sincere Reformers of 1375, founded a Church for themselves which, though it was plundered, was yet saved through all the turmoil of Henry VIII. and Edward VI.; and which still remains a place where men gather together to worship God. The Lord of Birmingham endowed a church in 1350, which, under the false cloak of zeal for a new Reformation, hungry courtiers not only plundered but utterly wiped out of existence in 1547. The advowson of the "law-worth men" remains: the advowson of the "lord" has altogether gone.*

It is a curious coincidence that, while other hungry men got other parts of the plunder of Birmingham, the two who appropriated the property of the Gild of Deritend, were the same who appropriated this "Free Chapel" and all that belonged to it.†

While speaking of the Churches of Birmingham, I may mention that Birmingham men had a musical taste three hundred years ago. It is particularly recorded that, in the year 1552, there were, in old St. Martin's tower, "iiij Belles, with a clock and a chyme;" which is a combination not often found.

I now proceed to state who were the tenants of Edward Birmingham at the time when his estate was confiscated;‡ and also who were the tenants of the Gilds of Deritend and of the Holy Cross, and of the Free Chapel and the two Chauntries, at the time when the word went forth for a general plunder, in the outraged name of religion, and by the means of a gross fraud practised upon Parliament.§

* See the Note ‡ to p. 24, and the Note § to p. 53.

† See "Traditions of The Old Crown House," p. 42.

‡ See "Traditions of The Old Crown House," pp. 51–53.

§ See "Traditions of The Old Crown House," pp. 36, 37.

To understand some of the places named in the following statements, it must be now said (the facts having become strangely forgotten in modern times) that Birmingham consisted of the "Borough of Birmingham" and "Birmingham Foreign," a very usual mode of distinguishment in ancient places. Deritend was always a part of the town of so much importance that the whole is usually spoken of as the "Borough of Birmingham and Deritend," though the separate parts are also often named.

TENANTS AND TENANCIES OF THE LORD OF THE MANOR OF BIRMINGHAM, A.D. 1536–1545.*

MANY FREEHOLDERS, whose names are not given, but who paid "rents of assize" [*i. e.* quit-rents] for their freeholds. The following ancient rents, in kind, are specified :—

WILLIAM LENCHE, heir of WILLIAM GOLDESMYTHE, *one pound of pepper.*

The MASTER of the GILD of the HOLY CROSS, *two pounds of pepper.*

JOHN SHELDON, *one pound of cumin, one bow, and six barbed bolts* (*catapultæ barbatæ*†).

Lands and houses in BIRMINGHAM FOREIGN, held by,—

THOMAS WARYNG, land near SHAWMORE, formerly held by JOHN

* I have carefully gone over and compared several sets of Robert Whytworth's accounts, and compared them also with the Grant made to John Dudley on 21st Dec. 1545. Various readings found by these comparisons, which seemed likely to throw any light on modern names of places, I have inserted between brackets. The statement of names and tenancies is thus complete down to 1545. The other accounts are all of 1547, compared with other documents. So that all these lists give pictures of strictly contemporaneous facts. I have in no case trusted to a single document, without further comparison.

† "*Bolt*, Pilum vel telum catapulticum." (*Junius.*) And see after, p. 95.

It was said nearly thirty years ago, by one of the most distinguished of English Antiquaries, that actual rents reserved *in kind* were even then hardly known in England. If this be true, it is worth recording that, within my own memory, two pieces of land in the possession of my father's family were held by ancient rents reserved partly in kind; the rent of the one being so much money, *and a goose*, the rent of the other being so much money, *and a pot of apples.* It is no longer ago than 1842 that Mr. Brooke Smith and myself, as the representatives of those interested, were parties to the sale of one of the lands held, up to the last, on one of these ancient tenures *in kind.*

Sterkey; and a pasture called Slyng, opposite the park of Birmingham.

John Garnett, a croft called Hilfeld [Hilcroft].

John Ellyott, a croft called Steledenys [Steledeanes], in Somer Lane [Somer-lond], formerly held by Hugh Flete.

John Bonde, a pasture or wood called Worston, and another pasture called Wyatfeld.

Richard Furnyvall and Roger Foxoll [Foxhole], a pasture called Hunt-crofte [Huncrofte].

Robert Myddelmore, lands called Lady crofte, Goldhelme, and Hungre Hill.

John Fetherston, a crofte called Lordes-felds, in Bordesley.

Robert Whytworth [who was bailiff of the manor: no doubt because he was the largest tenant], a pasture called Wheat-felds; a meadow called Malte-myl-medowe; a pasture called Holme Parke; another meadow called The Launds, near to the Holme Parke; a pasture called Crab-tre-crofte [Crabcrofte]; land opposite the moat of the manor house, called Calf-crofte [Calcrofte]; and, a Mill called The Malte-myll.

John Wylleys [Willies], a meadow called Mydel-myl-medowe.

Roger Foxoll, a meadow called But Medowe [Butte Medowe],* and a pasture called Heth-feld [Hethefeild] in Dyretend.

John Prattye, a corn mill called The Hethe Myll [as before stated from the Lease to John "Prety"].

William Rastall, a house in Eggebaston Street, formerly held by Robert Smyth.

Humfrey Swanne, a house in Eggebaston Street.

[John Rawlyns, a house in Egbaston Street.]

William Russell, pastures called The Dudwall [included in the Lease to John Prety].

John Shilton, nine pastures and meadows adjoining, called The Hay-barnes [Heyberns]; and eight meadows and pastures adjoining, called Greate Russells and Lytell Russells.

Thomas Cowper, five crofts called Patchetts Lands.

Richard Russell, lands called Colborne-felds.

William Lynche, a pasture called Mychel-he3e [Michelhay] in Eggebaston.

* This points clearly to the old practice of shooting, which no place neglected. See hereon, "The Parish," pp. 249, 497, 518, 519, 520.

John Praty, as *farmer* of the office of Keeper of the Park called Rotton [Roten] Parke, with all the profits thereof, and the "wyndefal wood and lopwood," building timber excepted, in reversion of one Thomas Gylbert then Keeper of the Park.*

John Draper, a meadow called Lake-medowe, with the moor there [see the Lease to John Prety].

[Two houses in Egbaston Street, called The Washyng Stole, and The Paynters Howse.]

Maria Ryddell,† relict of Roger Ryddell, three pastures called Byrchells [Byrche-hill], and two meadows called Greate Buckstalls and Lytell Buckstalls, and a pasture called The Conyngre [included in the Lease to John Prety].‡

The Borough of Birmingham, held by,—

Thomas Holte, as *farmer* of the rents and profits of "all that part or portion of the Manor of Byrmyngehame called The Borough of

* This mention of Rotton Park deserves some notice. It is well known that a family of the name of Rotton has long dwelt in Birmingham. Not meeting with the name in the older records of the town, I infer that this old manorial park gave the family its name, not the family its name to the park. But the family became freeholders of high respectability, many of them dwelling in Bordesley. Of this I have proofs among my private documents (one has been already cited under the year 1586). But the fact is very strikingly illustrated by the history of an old Bordesley Charity founded by Richard Kylcuppe, who, on 19th September, 1611, devised to Robert Shilton and John Foxe certain land at Sparkbrook, upon trusts which he was curiously but wisely careful to order should be always recited on every change of trustees. The controllers of the trust were required to be, all of them, "*yeomen, freeholders,* and *inhabitants,* of Bordesley." In 1612, out of the eight only persons that fulfilled these conditions, four were "Ambrose Rotton, Richard Rotton, Thomas Rotton, and John Rotton." It is remarkable, and very instructive, that this Charity altogether escaped the notice of the roving Charity Commissioners who were sent out, some years ago, to find out the nakedness of the land. But its course has nevertheless been remarkably regular. Somewhat familiar with this sort of subject, I confess to surprise at the completeness of the manner in which the donor's intentions have been observed. The proceeds of the charity are still annually distributed in accordance with those intentions. I am indebted to the courtesy of Mr. John Webb for the opportunity of examining the whole series of documents, from the indenture of 1612 to the cards for distribution of the Charity at Christmas last.

† Confusion must be avoided between the odd spellings of the three very different names, *Redhill* (here *Ryddell:* and *Reddell* in A.D. 1830); *Byddyll* (the modern *Biddle*); and *Byhull* (which has, I think, sunk into the modern "*Bill*").

‡ All these places are near Bradford Street; and the name *Buckstalls* is strongly significant of the time when there was a large park there. See before, pp. 49, 71.

Byrmyngehame and Dyretende;" except one house and garden in Deritend [now part of The Old Crown House estate], and two houses and gardens in Eggebaston Street, and one close held by Humfrey Swanne; and except the services of the "*brode arrowes*" and "*brode arrowhedds*," and of *pepper*, within the said Borough and Dyretend; and except the goods of felons beyond forty shillings.

Thomas Holte had been made *Steward* of the manor of Birmingham by Edward Birmingham; and Robert Whytworth was his *Bailiff*. So no doubt they now made a very good thing out of it between them.

Edward Birmingham himself survived the great wrong he had suffered but a short time. After his death, the annuity of £20, reserved to him by the Act confiscating the manor,* was doubled, in favour of his widow, by Letters Patent of 1st February 1539. She did not remain his widow long; but nevertheless received the doubled annuity for many years, as Elizabeth Ludford.

The particulars as to tenancies are not recorded as fully in all other cases as they are in the case of the manorial property. I give the tenants' names, with some particulars of their tenancies.

TENANTS AND TENANCIES OF THE GILD OF ST. JOHN THE BAPTIST OF DERITEND, A.D. 1547.

Ralph Forest, land in Deritend.
Ralph Brooke, land there.
Thomas Cottrell, a house there.
William Forest, a house there.
William Burton, a house there.
Seth Walthew, a house there.
William Swexson, a house there.
Thomas Syre, a house there.
John Lepper, a house there.
John Bloxwiche, a house there.

* See "Traditions of The Old Crown House," p. 53.

Thomas Marshall, a house in Birmingham called The Lion.
Humfrey Cotterell, a house there.
Thomas Walter, a house in Aston.
Nicholas Coke of Aston, land there.
John Newey, a house in Newey in the Parish of Aston.*
Baldwin Broke, three closes of land and a meadow in Bordesley.
John Fetherston, several pieces of land there.
James Mershe, a piece of land there.
Roger More, a house and meadow there.
Alice Michell, a house and close of land there.
Richard Newey, a piece of land there.
Marion Brokehurst, a close of land in Moseley.
The Wardens of the Chapel, a meadow there.
Hugh Collins [Colye], land in Saltley.
—— Goldingale, a house in Castle Bromwich.
John Milwarde, a house and lands in Handsworth.
Richard Fletcher, a meadow in Erdington.

TENANTS AND TENANCIES OF THE FREE CHAPEL OF BIRMINGHAM, A.D. 1547.

The heirs of Thomas Holte, a meadow in Dudeston.

John Veysey, a meadow called Shawe-medowe; a close called Brome-close; and another close called The Chappell Orcharde.

Richard Weley, a close and meadow at the Horne Broke.

Roger Clowse, two closes called The Brome-closes, and a meadow in Wallmer Lane.

Humfrey Colchester, a close called The Chappell Conigre.

William Bodgye, a close called the Horse-close.

Thomas Marshall, a pasture called The Roundhills.

William Mychell, lands in Birmingham.

John Paynter, a house near the burying-ground.

Maria Vernon, a house and croft in More Street.†

Henry Venton, a garden in New Street.

Robert Collins, certain lands "*viz.* v. *fold.*"

John Gryffythe, a house in the Chappell Street.

* See before, p. 41.

† Moor Street was usually called "Molle" Street at this time. See the list of the tenants of the Gild of the Holy Cross.

John Cockes, a house there.
Henry Biddell, certain lands.
William Colemore, quit rents.

TENANTS OF THE FIRST CHAUNTRY, A.D. 1547.*

John Paynter.
William Peynton.
Robert Butler.
Thomas Hawkes.
Richard Butler.
Robert Michell.
Roger Michell.
Richard Brokhurst.
Maria Vernon.
Ralph Sergeant.
Ralph Russell.
Elen Flavell.
Thomas Marshall.
Henry Foxhall.
Richard Brandwood.

TENANTS OF THE SECOND CHAUNTRY, A.D. 1547.

John Aleyne.
John Veysey.
William Horwell.
Robert Colmore.
John Bygg.

TENANTS AND TENANCIES OF THE GILD OF THE HOLY CROSS, A.D. 1547.†

Robert Porter, house in Egebaston Street.

William King, house in Well Street.

Richard Swyft, house in Englishe Street.

Thomas Cowper, house at the Highe Crosse called The Mayden hede.

Heirs of Nicholas Baylie, house in the Bull ring, and another in Newe Street.

Robert Rastell, croft in Godes Cart Lane.

Edward Taylor, house in Deryatend, next the house of Thomas Greves.

The Incumbent of the Free Chapel, [land called] Shawmore.

William Philippes, a garden near Molle Strete Barres; a house at Molle Strete Ende; and a garden in Parke Street, near a barn of the Gild.

William Lane, a house near The Peacocke.

* There are not such particulars given of the *tenancies* of the Chauntries as I have found in other cases.

† The separate tenancies were much smaller, in general, in this case than in any of the others. Hence the great number of the tenants.

The heirs of Rastell, a house in the Englishe Markett.

William Paynton, a house near Molle Strete Barres.

Humfrey Jorden, a house called Whyte Harte.

John Bonde, a house in Deryatend, near Heath Myll.

John Shylton, a house in Molle Street called Tenter Crofte; and a house in Dygbathe, lately of Thomas Walton.

Robert Myddelmore, a house in Egebaston Street.

Lands and *houses* in Dalend, held by,—

Henry Russell.
Roger Clowse.
John Nicholls (at Dale End Barres).
John Elyat (The Dale Hall).
John Shylton.
William Solemore [? mistake for *Colemore*].
Agnes Walton.
Christian Harryson.

Lands and *houses* in Chappell [now Bull] Street,* held by,—

John Vesseye (lands called The Foldes).
John Elyatt.
John Massye.

Lands and *houses* in Englishe Markett, held by,—

Richard Smalbroke (house called The Well).
Richard Alatt.
Thomas Sompnor.
John Vessey (near Redehill).
Robert Preston (near Mollestrete).
Robert Colyns.
John Elyat.

Lands and *houses* in Newe Street, held by,—

William Bodgye.
William Elson.
William Sheldon (near Feck [afterwards Peck] Lane).
Thomas Hudson.

* It is to be regretted that so many of the oldest streets and places in Birmingham have had their names changed. Several of the names given before, p. 88, and in the present list, will be new to most readers. Some (but not all) of these names will be found on comparing Westley's Plan (A.D. 1731) and Bradford's Plan (A.D. 1751).

I must take this opportunity of acknowledging the liberal courtesy of Mr. Westley Richards, who has furnished me with sets of new impressions printed from the plates engraved by his ancestor more than 130 years ago.

Shops in High Street, held by,—

Thomas Yemont.
John Weley.
John Shylton.
Thomas Baker.
William Peynton (in The Shambles).

Lands and *houses* in the Molle [now Moor] Street, held by,—

William Peynton.
Roger Hawkes.
John Vessey.
Richard Walker.
Thomas Yemons.
John Shylton.
Thomas Marshall.
Elizabeth Crassher.
John Smythe.
Hamon Hatton.
Alice Skyllett.
Henry Bagley.
Maria Vernon.

Lands, *cottages*, *barns*, and *buildings* in Egebaston Street, held by,—

Richard Smalbroke.
William Bodgye.
Roger Davyes.
William Symondes.
Ellen Lokyer.
Thomas Makworthe.
William Corpson.
Elizabeth Baker.
Henry Burcott.
John Shylton.

Lands and *stables* in Mercers [now Spiceal] Street, held by,—

John Shilton.
Thomas Marshall.
Thomas Preston.
Elizabeth Jackson.
Henry Wylson.
—— near Walstwoodes house.

Lands and *houses* in Bull-ring, held by,—

John Shylton.
Robert Rastell (at The Pynfold).
William Michell.
Thomas Marshall.
Robert Spurrier.
William Peynton.

Lands and *cottages* in Well Street [top of Digbeth], held by,—

Joan Baylie.
Thomas Shorte.
William Foxhall.
Thomas Priest.
William Wyllington.
Agnes Harper.

Barns and *gardens* in Parke Street, held by,—

Robert Rastell.
William Peynton (near Godes Cart lane).

House in DERYATEND, held by RICHARD CLERKSON.

Lands, *pastures*, and *houses*, in the FOREIGN OF BIRMINGHAM, held by,—

JOHN SHYLTON (LONGE CROFT, near LAKE-MEDOWE).*
JOHN VESSIE.
RICHARD SMALBROKE.
HENRY BYDDELL.
HENRY FOXHALL.
RICHARD WALKER.
HENRY GEST.
JOHN OSBORNE.
RICHARD RICROFT.
ROGER CLOVES.

Four *cottages* between MERCERS Street and NEWE Street, held by,—

ELIZABETH PALMER.
CRISTOFER BAYLEY.
THOMAS GROVES (two cottages, rent free).

Besides this long list of names, I find that the Gild of the Holy Cross, being musical, had an organist (*pulsator organi*), WILLIAM BOTHE by name;—the father, no doubt, of the *William Bothe* already named, who writes himself "*Wm. Bothe, Junr.*"† He had a handsome salary. They had also a clerk of the Gild, whose name is unhappily not recorded in its proper place. One THOMAS GROVES, no doubt he who lived rent free in two of the Gild's cottages, was keeper of the house and gardens of the Gild; that house being known by the names (used indifferently) of "THE TOWN HALL, otherwise called THE GILD HALL."‡ There was also an officer called "THE BELMAN"; but his name, like the Gild-clerk's, must remain for the present unknown to fame, there being an unlucky blank left for this, as for some few other names, in the old manuscript before me.

It has been already seen how great a number of independent freeholders there certainly was in Birmingham as early

* The names of some of the other lands here, are given in the Grant to the Free School, as *Bynges*, *Rotten Fields*, *Walmores*, and *Seyncte Mary Wood*.

† See before, p. 88.

‡ See before, p. 79.

as the middle of the fourteenth century.* The long lists of indwellers just given, recall those who were living and moving as heads of families in the town exactly two hundred years later. And if the facts are marshalled,—by recollection, to those who know the place: by a glance at any map, old or new, to those who do not,—it will be seen that exactly the same parts and streets were the busiest three hundred years ago that are so now. From Deritend, up Digbeth, Well Street, Corn Cheping, Bull Ring, High Street, English Market, Dale End and Bull [Chapel] Street:—on the right, Park Street, Moor Street, Carrs [Godes Cart] Lane:—on the left, Edgbaston Street, Spiceal [Mercers] Street, New Street. Here is the busy Birmingham of to-day, found full of life and activity, in the same parts, more than three hundred years ago. Dot down, along each of these streets, and in the outlying parts, the houses and places that are named in even no more than the nine foregoing pages; and a populous town rises at once before the eye. Let it be borne in mind, that what has been thus named takes in no more than the *private* estate of the Lord of the Manor (not his *manorial* jurisdiction, nor even the freeholders paying quit rents), and the estates of five corporate Bodies within the place; and that the properties of all the many private freeholders have to be added to these. With these facts recalled, the Birmingham of three hundred years ago, and of the ages before, will be better understood than it has heretofore been.

While the physical facts now for the first time made known, will remain henceforth ineffaceable note-marks, they cannot themselves be fully understood, nor give a true view of the town's past life and steady growth, unless there be reckoned together with them that which has been the leaven of the whole, without which it would long since have been lifeless and dead, instead of showing itself full of a growing

* See before, p. 36.

and transmitted vigour; namely, the spirit of the Institutions that formed the atmosphere in which the men of Birmingham lived in past ages, and the habits of life under which, animated by this spirit, they grew up to be men.* That self-interest and material self-gratification shall be the ends to be aimed at, is what Governments that smother freedom and cherish despotism seek to make the doctrine and the practice of man's life. That every man owes a duty, and a full share of his time in order to fulfil that duty, to his neighbours and to his country, is the doctrine and the practice whence England has drawn the living breath of freedom through past ages; and it is this doctrine and this practice, on the steadfast upholding of which the freedom, the prosperity, and the true Progress, now and hereafter, of England, and of Birmingham as a vital part of England, assuredly depend.

* See before, pp. 9, 10, 20, 24, etc.

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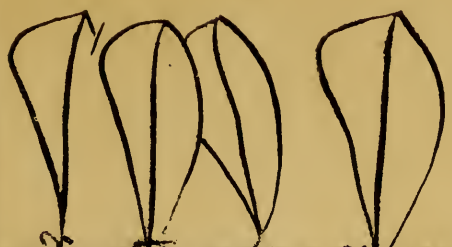

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